The Library of Congress’

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FOURTH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ARKANSAS,

BEG AND HELD AT THE SEAT OF GOVERNMENT, IN THE CITY OF LIT-
T ROCK, ON MONDAY THE SEVENTH DAY OF NOVEMBER, IN THE
AR OF OUR LORD EIGHTEEN HUNDRED AND FORTY TWO, BEING
E FOURTH SESSION OF THE GENERAL ASSEMBLY, HELD UNDER THE
NSTITUTION OF THE STATE, AND IN THE SIXTY-SEVENTH YEAR OF
HE AMERICAN INDEPENDENCE.

Library of Congress
1367
City of Washington

LITTLE ROCK,
PRINTED BY ELI COLBY.

1843.

V

J 85
A2
1342433

HOUSE OF REPRESENTATIVES.

MONDAY, *November 7th*, 1842.

This being the day fixed upon by the Constitution of the State of Arkansas, for the meeting of the General Assembly, and a quorum of members of the House of Representatives appearing at the Representative Hall in the State House,

The House came to order at call of the Clerk.

On motion of Mr. Counts of Van Buren, Mr. Collins of Crittenden, was called to the Chair.

When the following gentlemen (a list of whose names having been furnished by the Secretary of State, the Hon. David B. Greer,) came forward, produced their certificates of election, and being sworn in by Justice Josiah Gould, took their seats as members of House of the Representatives, from their respective counties.

From the county of	Arkansas,	*Richmond Peeler,*
" " " "	Benton,	*Alfred B. Greenwood,*
" " " "	Bradley,	*John H. Marks,*
" " " "	Carroll,	*Gec. W. Baines, and James Fancher,*
" " " "	Crawford,	*Abram G. Mayers, and William Reeves,*
" " " "	Conway and Perry,	*Thomas. S Haynes, and George W. Lemoyne,*
" " " "	Clark,	*Harris Flanagan, and Josiah D. Stewart,*
" " " "	Crittenden,	*Thomas M. Collins, and Peter G. Rieves,*
" " " "	Desha,	*Charles A. Steuart,*
" " " "	Franklin,	*William M. Martin, and Jesse Miller,*
" " " "	Green,	*Rice Hardwick,*
" " " "	Hempstead,	*George Conway, and John Field,*
" " " "	Hot Spring,	*Lorenzo Gibson,*
" " " "	Izard,	*Jehoiada Jeffrey,*
" " " "	Independence,	*Benniah Bateman, and William Byers,*
" " " "	Jackson,	*David C. Waters,*
" " " "	Jefferson,	*John S. Roane,*
" " " "	Johnson,	*William Gray, and Wm. A. McClain,*
" " " "	Lafayette,	*James E. Nott,*

From the county of	Lawrence,	*George Humphrey, and* *John Milligan,*
” ” ” ”	Madison,	*William Gage, and* *Daniel Vaughan,*
” ” ” ”	Marion and Searcy,	*John Campbell, and* *Brown C. Roberts,*
” ” ” ”	Mississippi,	*W. M. Finley,*
” ” ” ”	Monroe,	*John C. Johnson,*
” ” ” ”	Phillips,	*Elisha Burke, and* *Thos. B. Hanly,*
” ” ” ”	Pike,	*William H. Bizzell,*
” ” ” ”	Poinsett,	*A. T. Robertson,*
” ” ” ”	Pope,	*Matthew T. Logan, and* *Pleasant Tackett,*
” ” ” ”	Pulaski,	*John W. Cocke,* *Peter T. Crutchfield, and* *Jared C. Martin,*
” ” ” ”	Randolph,	*Wm. A. Houston, and* *Benwell J. Wiley.*
” ” ” ”	Saline,	*Robert Calvert, and* *Richard Brazil,*
” ” ” ”	Scott,	*James F. Gaines, and* *Allen Thompson,*
” ” ” ”	Sevier,	*A. J. Armstrong, and* *Walter Scott,*
” ” ” ”	St. Francis,	*John W. Calvert, and* *Charles L. Sullivan,*
” ” ” ”	Union,	*Albert Rust,*
” ” ” ”	Van Buren,	*George Counts,*
” ” ” ”	Washington,	*A. W. Arrington,* *Lee C. Blakemore,* *George Clyne,* *Moses Stout, and* *Williamson S. Oldham,*
” ” ” ”	White,	*John Arnold,*
” ” ” ”	Yell,	*William J. Parks.*

Whereupon, the chair announced that nominations for the Speaker of the House were in order.

Upon which, Mr. Martin of Pulaski, nominated Peter T. Crutchfield.

Mr. Hanly, of Phillips, nominated Williamson S. Oldham.

No further nominations being made, the roll was called, whereby it appeared that the following members voted for Williamson S. Oldham.

Messrs. Armstrong, Baines, Bizzell, Brazil, Blakemore, Burke, Conway, Cocke, Calvert of Saline, Calvert of St. Francis, Fancher, Flanagan, Gibson, Gray, Gage, Greenwood, Humphrey, Hardwick, Hanly, Houston, Johnson, Marks, Mayers, Miller, Milligan, McClain, Nott, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Stewart of Clark, Steuart of Desha, Stout, Scott, Tackett, Thompson, Vaughan, and Wiley—40.

The members who voted for Peter T. Crutchfield, were Messrs. Arrington, Arnold, Byers, Bateman, Collins, Campbell, Counts, Clyne, Field, Finley, Gaines of Scott, Haynes, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Oldham, Peeler, Rust, Sullivan, and Waters—21.

Whereupon, it was announced from the chair, that Williamson S. Oldham of Washington County, had received a majority of all the votes and was duly elected Speaker of the House of Representatives for the period prescribed by law.

Mr. Oldham was then conducted to the Speaker's chair by Messrs. Cocke and Counts, appointed for that purpose, from which place he made his acknowledgments to the House, and then proceeded to the discharge of his duties as Speaker.

The Speaker now announced from the chair, that nominations for Principal Clerk of the House of Representatives are in order.

Whereupon, Mr. Collins of Crittenden, nominated Stephen S. Tucker of Little Rock.

Mr. Gray of Johnson, nominated J. M. Tibbitts of Van Buren.

Mr. Field of Hempstead, nominated A. C. Roberts of Lafayette, for that office ;

And there being no further nominations made, the roll was called, whereby it appeared that the following members voted for Stephen S. Tucker :

Messrs. Byers, Bateman, Brazil, Burke, Collins, Cocke, Crutchfield, Calvert of St. Francis, Counts, Finley, Gibson, Humphrey, Hardwick, Hanly, Houston, Lemoyne, Martin of Pulaski, Martin of Franklin, Mayers, Nott, Peeler, Rieves of Crittinden, Roane, Robertson, Rust, Steuart of Desha, Sullivan, Scott, Waters, Wiley, and Mr. Speaker—32.

The members who voted for J. M. Tibbitts,

Messrs. Arrington, Arnold, Baines, Blakemore, Campbell, Calvert of Saline, Clyne, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Jeffrey, Logan, Martin of Franklin, Miller, Milligan, McClain, Parks, Reeves of Crawford, Stout, Thompson, and Vaughan—23.

The members who voted for A. C. Roberts,

Messrs. Armstrong, Bizzell, Conway, Field, Flanagan, Johnson, Roberts, Stewart of Clark, and Tackett—9.

Neither of the gentlemen nominated having received a majority of all the votes, the Speaker announced that no choice was made.

Whereupon, Mr. Roberts withdrew from the nomination, when the roll was called a second time, and the following members voted for Stephen S. Tucker :

Messrs. Armstrong, Byers, Bateman, Brazil, Burke, Collins, Conway, Crutchfield, Cocke, Calvert of St. Francis, Counts, Field, Finley, Gibson, Haynes, Humphrey, Hardwick, Hanly, Houston, Johnson, Lemoyne, Marks, Martin of Pulaski, Mayers, Nott, Peeler, Rieves of

Crittenden, Roberts, Roane, Rust, Robertson, Steuart of Desha, Sullivan, Scott, Waters, Wiley, and Mr. Speaker--37.

Those who voted for J. M. Tibbitts, were

Messrs. Arrington, Arnold, Baines, Bizzell, Blakemore, Campbell, Calvert of Saline, Clyne, Fancher, Flanagan, Gaines of Scott, Gray, Gage, Greenwood, Jeffrey, Logan, Martin of Franklin, Miller, Milligan, McClain, Parks, Reeves of Crawford, Stewart of Clark, Stout, Tackett, Thompson, and Vaughan—27.

Whereupon, the Speaker announced that STEPHEN S. TUCKER had received a majority of all the votes and was duly elected Principal Clerk of the House of Representatives. for the term prescribed by law, who, being sworn, entered upon the duties of his office.

Mr. Speaker now announced that nominations for Assistant Clerk were in order.

Mr. Greenwood of Benton, nominated Alexander H. McKisick.

Mr. Brazil of Saline, nominated Joshua Furguson.

Mr. Crutchfield of Pulaski, nominated Wm. H. Graham.

Mr. Roane of Jefferson, nominated Hewes Scull.

Mr. Gaines of Scott, nominated Rufus H. King.

No further nominations being made, the roll was called, and it appeared that the following members voted for Alexander H. McKisick:

Messrs. Arrington, Baines, Blakemore, Burke, Campbell, Calvert of St. Francis, Clyne, Fancher, Finley, Gray, Gage, Greenwood, Hardwick, Hanly, Houston, Martin of Franklin, Mayers, Miller, Milligan, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Sullivan, Stout, Vaughan, Wiley, and Mr. Speaker—28.

Those who voted for Joshua Furguson, are

Messrs. Brazil, Counts, Haynes, Humphreys, Jeffrey, Logan, McClain, Parks, and Tackett—9.

Those who voted for William H. Graham, were

Messrs. Crutchfield, Cocke, Gibson, Lemoyne, Martin of Pulaski, Steuart of Desha, and Waters—7.

Those who voted for Hewes Scull, were

Messrs. Byers, Bateman, Collins, Peeler and Roane—5.

Those who voted for Rufus H. King, were

Messrs. Arnold, Armstrong, Bizzell, Conway, Calvert of Saline, Field, Flanagan, Gaines of Scott, Johnson, Nott, Rust, Stewart of Clark, Scott, and Thompson—14.

No one of the gentlemen nominated having received a majority of all the votes, the two gentlemen having the least number of votes withdrew from the nomination, when the roll was called a second time.

The members who voted for A. H. McKisick, are as follows, to wit:

Messrs. Arrington, Baines, Blakemore, Burke, Collins, Campbell, Calvert of St. Francis, Counts, Clyne, Fancher, Finley, Gray, Greenwood, Gage, Humphrey, Hardwick, Hanly, Houston, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, Peeler, Reeves of

Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Sullivan, Stout, Vaughan, Wiley, and Mr. Speaker—34.

Those who voted for Joshua Furguson, were,

Messrs. Brazil, Crutchfield, Cocke, Gibson, Haynes, Jeffrey, Lemoyne, Logan, McClain, Parks, Stuart of Desha, and Tackett—12.

Those who voted for Rufus H. King, were,

Messrs. Arnold, Armstrong, Byers, Bateman, Bizzell, Conway, Calvert of Saline, Field, Flanagan, Gaines of Scott, Johnson, Marks, Nott, Rust, Stewart of Clark, Scott, Thompson, and Waters—18.

Whereupon, the Speaker announced that Alexander H. McKisick had received a majority of all the votes, and was duly elected Assistant Clerk of the House of Representatives, for the time prescribed by law, who was duly sworn, and entered upon the duties of his office.

Mr. Speaker now announced that nominations for Doorkeeper were in order.

Whereupon, Mr. Humphrey of Lawrence, nominated Charles Humphrey.

Mr. McClain of Johnson, nominated D. L. Bourland.

Mr. Logan of Pope, nominated C. R. Cowen.

Mr. Roberts of Marion, nominated William Wood.

Mr. Hanly of Phillips, nominated David Skelton.

Mr. Flanagan of Clark, nominated John R. Barkeloo.

Mr. Field of Hempstead, nominated R. F. Finn.

Mr. Baines of Carroll, nominated A. F. Sun.

Mr. Calvert of Saline, nominated B. F. Owens.

No further nominations being made, the roll was called, whereby it appeared that the following members voted for Charles Humphrey.

Messrs. Armstrong, Blakemore, Gaines of Scott, Humphrey, Parks, Vaughan, and Wiley—8.

Those who voted for D. L. Bourland, were,

Messrs. Calvert of St. Francis, Gray, Haynes, Martin of Franklin, Miller, Milligan, McClain, Reeves of Crawford, Rieves of Crittenden, Robertson, and Sullivan—11.

Those who voted for C. R. Cowen, were,

Messrs. Logan, and Thompson—2.

Those who voted for William Wood, were,

Messrs. Byers, Bateman, Campbell, Counts, Greenwood, Gage, Jeffrey, and Roberts—8.

Those who voted for David Skelton, were,

Messrs. Arnold, Crutchfield, Hanly, Martin of Pulaski, Nott, Steuart of Desha, and Wiley—7.

Those who voted for John R. Barkeloo, were,

Messrs. Burke, Collins, Cocke, Flanagan, Finley, Gibson, Lemoyne, Peeler, Roane, and Sullivan—10.

Those who voted for R. F. Finn, were,

Mr. Field of Hempstead—1.

Those who voted for A. F. Sun, were,

Messrs. Arrington, Baines, Clyne, Fancher, Hardwick, Houston, Johnson, Marks, Mayers, Waters, and Mr. Speaker--11.

Those who voted for B. F. Owen, were,

Messrs. Bizzell, Brazil, Campbell, Calvert of Saline, Rust, and Scott—6.

Neither of the gentlemen nominated, having received a majority of all the votes, the five having the least number of votes withdrew from nomination, and the roll was called a second time; when it appeared that the members voted as follows, for Mr. Humphey:

Messrs. Brazil, Blakemore, Conway, Gaines of Scott, Humphrey, Parks, Scott, Thompson, and Wiley—9.

Those who voted for D. L. Bourland, were,

Messrs. Calvert of St. Francis, Gray, Haynes, Martin of Franklin, Miller, McClain, Reeves of Crawford, Rieves of Crittenden, Robertson, Sullivan, and Stout—11.

Those who voted for William Wood, were,

Messrs. Campbell, Counts, Gage, Greenwood, Jeffrey, Milligan, and Roberts—7.

Those who voted for John R. Barkeloo, were,

Messrs. Arnold, Armstrong, Byers, Bateman, Burke, Collins, Crutchfield, Cocke, Calvert of Saline, Field, Flanagan, Finley, Gibson, Johnson, Lemoyne, Marks, Martin of Pulaski, Scott, Peeler, Roane, Stewart of Clark, Steuart of Desha, and Waters—23.

Those who voted for A. F. Sun, were,

Messrs. Arrington, Baines, Bizzell, Clyne, Fancher, Hardwick, Hanly, Houston, Logan, Mayers, Tackett, Vaughan, and Mr. Speaker—13.

Neither of the gentlemen nominated, having received a majority of all the votes, Mr. Wood withdrew from the nomination; and the roll was called the third time, when it appeared that the members voted as follows, for Mr. Humphrey:

Messrs. Brazil, Blakemore, Conway, Counts, Gaines of Scott, Humphrey, Milligan, Parks, Tackett, Thompson, Vaughan, and Wiley–12.

Those who voted for D. L. Bourland. were

Messrs. Campbell, Gray, Greenwood, Haynes, Jeffrey, Martin of Franklin, Miller, McClain, Reeves of Crawford, Rieves of Crittenden, Robertson, and Stout—12.

Those who voted for John R. Barkeloo, were

Messrs. Armstrong, Byers, Bateman, Burke, Collins, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Clyne, Flanagan, Finley, Gibson, Hanly, Johnson, Lemoyne, Marks, Martin of Pulaski, Martin of Franklin, Nott, Peeler, Roane, Stewart of Clark, Steuart of Desha, Sullivan, and Waters—26.

Those who voted for Mr. Sun, were

Messrs. Arrington, Arnold, Baines, Bizzell, Field, Gage, Hardwick, Houston, Logan, Roberts, Tackett, and Mr. Speaker—12.

No one of the gentlemen nominated having received a majority of all the votes, the roll was called a fourth time, whereby it appeared that the members voted as follows, for Mr. Humphrey:

Messrs. Bizzell, Blakemore, Conway, Counts, Gaines of Scott, Humphreys, Parks, Scott, Thompson, and Wiley—10.

Those who voted for Mr. Bourland, were

Messrs. Campbell, Gray, Haynes, Jeffrey, Martin of Franklin, Miller, Milligan, McClain, Reeves of Crawford, Rieves of Crittenden, Robertson, and Stout—12.

Those who voted for John R. Barkeloo, were

Messrs. Arnold, Armstrong, Byers, Bateman, Brazil, Burke, Collins, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Field, Flanagan, Finley, Gibson, Hanly, Johnson, Lemoyne, Marks, Martin of Pulaski, Mayers, Nott, Peeler, Stewart of Clark, Steuart of Desha, Sullivan, and Wiley—28.

Those who voted for A. F. Sun, were

Messrs. Arrington, Baines, Clyne, Fancher, Gage, Greenwood, Hardwick, Houston, Logan, Roberts, Thompson, Waters, and Mr. Speaker—13.

No one nominated having received a majority of all the votes, Mr. Humphrey withdrew from nomination, and the roll was called for the fifth time, whereby it appeared that the members voted as follows, for Mr. Bourland:

Messrs. Campbell, Gaines of Scott, Gray, Haynes, Jeffrey, Logan, Martin of Franklin, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rieves of Crittenden, Robertson, Stout, and Thompson—16.

Those who voted for John R. Barkeloo, were

Messrs. Arnold, Armstrong, Byers, Bateman, Brazil, Burke, Collins, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Field, Flanagan, Finley, Gibson, Hanly, Johnson, Lemoyne, Marks, Martin of Pulaski, Mayers, Peeler, Roane, Stewart of Clark, Steuart of Desha, Sullivan, and Waters—28.

Those who voted for A. F. Sun, were

Messrs. Arrington, Baines, Bizzell, Blakemore, Conway, Clyne, Fancher, Gage, Greenwood, Humphrey, Hardwick, Houston, Roberts, Scott, Tackett, Thompson, Wiley, and Mr. Speaker—18.

No one yet receiving a majority of all the votes, Mr. Bourland withdrew from nomination, when the roll was called for the sixth time, whereby it appeared that the members voted as follows, for John R. Barkeloo:

Messrs. Arnold, Armstrong, Byers, Bateman, Brazil, Burke, Collins, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Field, Flanagan, Finley, Gibson, Gaines of Scott, Gray, Haynes, Hanly, Lemoyne, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Nott, Peeler, Reeves of Crawford, Rieves of Crittenden, Roane, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Scott, and Waters—36.

Those who voted for A. F. Sun, were

Messrs. Arrington, Baines, Bizzell, Blakemore, Conway, Campbell, Clyne, Fancher, Gage, Greenwood, Humphrey, Hardwick, Jeffrey, Johnson, Houston, Logan, Miller, Milligan, McClain, Parks, Roberts, Stout, Tackett, Thompson, Vaughan, Wiley, and Mr. Speaker—27.

Whereupon, the Speaker announced that John R. Barkeloo had received a majority of all the votes and was duly elected Doorkeeper of the House of Representatives for the time prescribed by law, and being sworn, entered upon the duties of his office.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have organized by electing Samuel Adams, President; John Widgery, Secretary; James P. Jett, Assistant Secretary; and John McElhany, Doorkeeper; and are now ready to proceed to business.

Mr. Roane of Jefferson, offered the following resolution:

Resolved, That the Clerk of the House be instructed to procure suitable Stationery for the use of the House.

Which was adopted.

On motion of Mr. Calvert of St. Francis, Mr. Speaker appointed Messrs. Calvert of St. Francis, Sullivan and Hanly, a joint committee on the part of the House of Representatives, to act in concert with the Senate, to wait on the Governor and inform him that the several Houses are now organized and ready to proceed to business.

On motion of Mr. Gibson,

Ordered, That the former rules of the House of Representatives be adopted for the time being.

Mr. Logan presented the following resolution, to wit:

Resolved, That a committee be appointed to draft rules and orders for the government of this House.

Which was adopted.

Whereupon, the Speaker appointed

Messrs. Logan, Cocke, Conway, Gibson, and Blakemore, as such committee.

Mr. Crutchfield presented the following resolution, to wit:

Resolved, That the different editors of newspapers throughout the State be allowed to take seats in convenient places in the House, for the purpose of taking minutes of the proceedings of this House as they may think proper.

Which was adopted.

Mr. Cline presented the following resolution, to wit:

Resolved, That a committee of three be appointed, whose duty it shall be to wait on the ministering clergy of this city and respectfully request them by any arrangement best suited to themselves, that one of them attend each morning and open the session with solemn prayer.

Mr. Gibson called for the yeas and nays upon the adoption, which were ordered; whereupon, the roll was called and the members voted as follows:

Messrs. Arrington, Arnold, Armstrong, Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Crutchfield, Calvert of Saline, Counts, Clyne, Finley, Gray, Greenwood, Jeffrey, Johnson, Lemoyne, Logan, Martin of Pulaski, Miller, Milligan, McClain, Parks, Reeves of Crawford, Roberts, Stewart of Clark, Steuart of Desha, Stout, Tackett, Waters, and Mr. Speaker—34 yeas.

Messrs. Collins, Conway, Campbell, Cocke, Calvert of St. Francis, Fancher, Flanagan, Gibson, Gaines of Scott, Gage, Haynes, Humphrey, Hardwick, Hanly, Houston, Marks, Martin of Franklin, Mayers, Nott, Peeler, Rieves of Crittenden, Roane, Robertson, Sullivan, Scott, Thompson, Vaughan—28 nays.

So the resolution is adopted.

Mr. Calvert of St. Francis presented the following resolution:

Resolved, That the Doorkeeper be authorized to furnish this House with the necessary quantity of fuel and water during the present session; and, whilst under discussion,

On motion of Mr. Humphrey, the House adjourned until 9 o'clock, to-morrow morning.

TUESDAY, 9 *o'clock A. M., November 8th*, 1842.

The House met pursuant to adjournment.

The Speaker announced the following Standing Committees of the House of Representatives:

On Elections—Messrs. Greenwood, Gray, Nott, Rieves of Crittenden, Steuart of Desha, Flanagan, and Bateman.

On Ways and Means—Messrs. Field, Calvert of Saline, Rust, Reeves of Crawford, Bizzell, Hardwick, Robertson, and Peeler.

On Public Buildings—Messrs. Collins, Martin of Franklin, Arnold, Blakemore, Sullivan, Counts, and Stewart of Clark.

On Banks—Messrs. Conway, Cocke, Stout, Byers, Hanly, Mayers, and Scott.

On Education—Messrs. Hanly, Arrington, Gibson, Nott, Steuart of Desha, Gray, Baines, Milligan, and Logan.

On Militia—Messrs. Miller, Burke, Fancher, Calvert of St. Francis, Logan, Wiley, and Rust.

On Enrollments—Messrs. McClain, Finley, and Armstrong.

On Counties and County Lines—Messrs. Scott, Gaines of Scott, Clyne, Houston, Llewellyn, Robertson, and Brazil.

On the Auditor's and Treasurer's Books—Messrs. Flanagan, Haynes, Parks, Reeves of Crawford, Sullivan, Humphrey, and Johnson.

On the Judiciary—Messrs. Cocke, Roane, Field, Arrington, Conway, Hanly, Byers, Greenwood, and McClain.

On Agriculture—Messrs. Rieves of Crittenden, Stewart of Clark, Gage, Campbell, Marks, Thompson, Parks, and Blakemore.

On Claims—Messrs. Stout, Thompson, Tackett, Vaughan, Waters, Lemoyne, and Jeffrey.

On Internal Improvements—Messrs. Crutchfield, Calvert of Saline, Nott. Fancher, Blakemore, Bateman, Burke, and Houston.

On Apportionment—Messrs. Roane, Wiley, Clyne, Flanagan, Sullivan, Roberts, Martin of Pulaski, Armstrong, and Gaines of Scott.

On motion of Mr. Gaines of Scott,

Ordered, That the Clerk be instructed to furnish each member of this House with the Acts of the General Assembly, since the adoption of the Revised Code; also with the Journals of the last Session, and that he procure from the office of the Secretary of State, thirty copies of the Revised Statutes, for the use of the members.

Mr. Arrington offered the following:

Resolved, That a committee be appointed consisting of nine members, whose duty it shall be to take into special consideration the propriety of reducing the fees at present allowed by law to the different officers of this State; and that they report the result of their deliberations to this House at as early a period as may comport with their own convenience and a thorough examination of the subject.

Which resolution was adopted.

Mr. Roberts proposed the following amendment to the 16th Section of the 6th Article of the Constitution of the State of Arkansas:

That so much of said Section as provides that "Justices of the Peace shall in no case have jurisdiction to try and determine any criminal case or penal offence against the State, but sit as examining Courts, and commit, discharge, or recognize to the Court having jurisdiction, for further trial, offenders against the peace," be stricken out, and the following provision be inserted in lieu thereof, viz:

"Justices of the Peace shall have such jurisdiction in criminal cases less than felony, and in penal offences as the General Assembly may prescribe, and hear, try, and determine the same."

Which was read.

Mr. Flanagan offered the following:

Resolved, That the General Assembly proceed to the election of Senator in Congress on Thursday next, at eleven o'clock A. M.; and that the Senate be invited to concur therein.

Mr. Gibson would amend, by saying Thursday two weeks.

Which was lost.

Mr. Clyne offered to amend, by saying Thursday six weeks.

Upon which the yeas and nays were called for, and ordered; and the amendment rejected—yeas 4—nays 59.

The members who voted for the amendment, are,

Messrs. Clyne, Gibson, Lemoyne, and Steuart of Desha—4.

The members who voted against the amendment, were,

Messrs. Arrington, Arnold, Armstrong, Baines, Byers, Bateman, Bizzell, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Field, Fancher, Flanagan, Finley, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Logan, Marks, Martin of Pulaski, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Stewart of Clark, Sullivan, Stout, Scott, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—59.

Mr. Gibson proposed to amend, by striking out all after the word resolved, and insert "That the two Houses of this General Assembly proceed on next Thursday two weeks to elect a Senator to the Congress of the United States; and also the Judges for the several Judicial Circuits in this State;" and that the Senate be requested to concur therein.

The yeas and nays were called for on the amendment, and were ordered; and the amendment was rejected by yeas 16—nays 47.

The members who voted for the amendment, are as follows:

Messrs. Arnold, Byers, Bateman, Collins, Campbell, Clyne, Gibson, Jeffrey, Lemoyne, Logan, Miller, Peeler, Roane, Steuart of Desha, Tackett, and Waters—16.

The members who voted against the amendment, are,

Messrs. Arrington, Armstrong, Baines, Bizzell, Brazil, Blakemore, Burke, Conway, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Field, Fancher, Flanagan, Finley, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Johnson, Marks, Martin of Pulaski, Mayers, Milligan, McClain, Nott, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Rust, Stewart of Clark, Sullivan, Stout, Scott, Thompson, Vaughan, and Mr. Speaker—47.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following resolutions to wit:

Resolved, That a select joint committee be appointed to wait on his Excellency the Governor, and inform him that the two Houses have organized, and are now ready to receive any communication he may think proper to make.

The President has appointed

Messrs. Tully and Trimble said committee, and the Senate requests the concurrence of the House therein.

Mr. Mayers offered to amend by inserting "and all Judicial officers and prosecuting Attorneys of the State," which was assented to by Mr. Flanagan.

Mr. Gibson called for the yeas and nays on the adoption of the resolution, which were ordered, and the resolution was rejected by yeas —14, nays—48.

The members who voted for the resolution, are as follows:

Messrs. Arnold, Burke, Conway, Calvert of Saline, Counts, Field, Flanagan, Humphrey, Mayers, McClain, Nott, Peeler, Stewart of Clark, and Mr. Speaker—14.

The members who voted against the resolution, were

Messrs. Arrington, Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Collins, Campbell, Crutchfield, Cocke, Calvert of St. Francis, Cline, Fancher, Finley, Gibson, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Hardwick, Hanly, Houston, Jeffrey, Johnson, Lemoyne, Logan, Marks, Martin of Pulaski, Miller, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Steuart of Desha, Sullivan, Stout, Scott, Tackett, Thompson, Vaughan, Waters, and Wiley—48.

Mr. Baines, offered the following:

Resolved, That a committee of five be appointed, whose duty it shall be to take into consideration the practicability of memorializing Congress for the refuse land of, or within this State, for the use of the State. Which was adopted.

On motion of Mr. Calvert of St. Francis, leave of absence was granted to the committee to wait on his Excellency and inform him that the two Houses of the General Assembly were organized and ready to receive communications if he had any.

Mr. Gray offered the following:

Resolved, That a select committee of five be appointed to inquire into the propriety of altering the present mode of selecting, and paying the pettit jurors, and report at an early day.

Which was adopted.

Mr. Arrington offered the following preamble and resolution:

Whereas, under our Constitution, the salaries of judges cannot be reduced even by legislative enactment during the time for which they are elected,

Therefore, be it Resolved, That it is by this House deemed inexpedient to go into the election of any State Officers until a report shall have been made by a committee to be appointed to inquire into the expediency of reducing the salary of officers.

Mr. Roberts called for the yeas and nays, and they were ordered, when the following members voted in the affirmative:

Messrs. Arrington, Arnold, Armstrong, Baines, Byers, Bateman, Bizzell, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Field, Fancher, Finley, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roan, Robertson, Steuart of Desha, Stout, Scott, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—57.

The members who voted in the negative, were

Messrs. Flanagan, Gibson, Marks, Rust, Stewart of Clark, and Sullivan—7.

So the resolution was adopted.*

Mr. Humphrey offered the following:

Resolved, That the General Assembly proceed to the election of Senator in Congress on Friday next, at eleven o'clock, A. M., and the Senate be invited to concur therein.

Which resolution was adopted.

Mr. Calvert of St. Francis, from the committee appointed to wait on the Governor, on leave given, reported that the committee of both Houses of the General Assembly had jointly performed the duty assigned them, and that his Excellency would make his biennial communication to the House, this day, at twelve o'clock.

Mr. Baines submitted the following:

Resolved, That a committee of five be appointed to inquire into the propriety of changing the present mode of voting at the general elections from *viva voce* to voting by ballot, and report by bill or otherwise.

Mr. Roberts called for the yeas and nays, and they were ordered, and the resolution adopted by yeas—36, and nays—26.

The members who voted in the affirmative, are

Messrs. Arrington, Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Burke, Conway, Crutchfield, Calvert of Saline, Calvert of St. Francis, Cline, Fancher, Finley, Gibson, Greenwood, Humphrey, Hanly, Lemoyne, Logan, Martin of Pulaski, Mayers, McClain, Nott, Reeves of Crittenden, Roberts, Robertson, Steuart of Desha, Sullivan, Stout, Tackett, Vaughan, Waters, Wiley, and Mr. Speaker—36.

The members voting in the negative, are

Messrs. Arnold, Armstrong, Campbell, Cocke, Counts, Field, Gaines of Scott, Gray, Gage, Haynes, Hardwick, Houston, Jeffrey, Johnson, Marks, Martin of Franklin, Miller, Milligan, Peeler, Parks, Reeves of Crawford, Roane, Rust, Stewart of Clark, Scott, and Thompson—26.

On motion of Mr. Sullivan, the House went into recess, until 12 o'clock, M., for the purpose of preparing for the reception of the Senate in the Representative Hall.

Twelve o'clock, M.

The hour appointed for the reception of his Excellency's communication having arrived, the Senate being informed by message, that the Hall of the Representatives was in readiness to receive them, appeared and were seated within the bar.

Message from the Governor by his private Secretary, Robert W. Johnson, was received and read, when the Senate withdrew.

On motion of Mr. Logan, leave of absence was granted to Mr. Tackett, on account of indisposition.

Mr. Hardwick offered the following:

Resolved, That the House of Representatives meet and hold evening sessions at 3 o'clock, P. M.

Which resolution was rejected.

Mr. Gaines of Scott offered the following:

Resolved, That five thousand copies of the Governor's message and accompanying documents be printed.

Which Mr. Collins proposed to amend by reducing the number of copies to 1000, which was adopted, and the resolution passed.

On motion of Mr. Brazil, the House adjourned until to-morrow morning, 9 o'clock.

NOVEMBER 9th, 1842. *Wednesday morning, 9 o'clock.*

House met pursuant to adjournment.

Mr. Speaker appointed the following committee on Mr. Gray's resolution of yesterday, to inquire into the propriety of altering the present mode of selecting and paying pettit jurors:

Messrs. Gray, Martin of Franklin, Humphrey, Rust, and Robertson.

On Mr. Baines' resolution of yesterday, for inquiring into the propriety of changing the present mode of voting at the General elections from *viva voce* to ballot:

Messrs. Baines, Vaughan, Houston, Burke, and Scott.

On Mr. Clyne's resolution of Monday, for the purpose of inviting some of the Clergy of this place to open the session each day with prayer:

Messrs. Clyne, Milligan, and Baines.

On Mr. Arrington's resolution of yesterday, for raising a committee to inquire into the expediency of reducing the salaries of State Officers:

Messrs. Arrington, Field, Crutchfield, Baines, Martin of Pulaski, Byers, Stewart of Clark, Gaines of Scott, and Gray.

Mr. Logan from the select committee to whom was referred the drafting and preparing of rules for the government of the House, on leave given, reported:

That having had the same under consideration, he was instructed to report the old rules with several amendments and alterations; to which Mr. Calvert of St. Francis, offered an amendment, which was adopted; when, on motion of Mr. Collins, the whole rule was rejected.

On motion of Mr. Gibson,

Ordered, That the rules be read by sections.

Which were separately adopted with amendments, proposed by committee.

On motion of Mr. Sullivan, ordered to be printed for the House.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have adopted the following resolution:

Resolved, That a committee be appointed on the part of the Senate, to act in conjunction with such committee as has or may be appointed by the House of Representatives to inquire into the expediency of reducing the salaries of all State officers.

Resolved, That the President of the Senate appoint a committee of three to act with such committee as may be appointed on the part of the House of Representatives, to report such rules and joint rules as may be necessary for the government hereof and the intercourse between the Houses.

The President appointed Messrs. Trimble, Thompson, and Williamson.

I am also instructed to inform your honorable body, that the Senate have concurred in the resolution of the House appointing Friday next for the election of a Senator for Congress.

Mr. Speaker announced, that the former committee appointed in the House for the same purposes, be a joint committee to act in conjunction with a similar committee from the Senate.

Mr. Rust offered the following:

Resolved, That the standing committees on banks be composed of men entirely unconnected with and disinterested in the banks of this State, and that if any of the gentlemen now composing that committee, be either directly or indirectly stockholders in the Real Estate Bank, or indebted as principal or endorser to the State Bank, or Real Estate Bank of the State of Arkansas, or their branches, be excused from serving on that committee.

And be it further Resolved, That such persons as above described, only, shall be qualified to serve in any committee that may hereafter be appointed for the purpose of investigating the banks of this State and their branches, or the conduct of any of their officers.

Which elicited an animated discussion; when Mr. Logan moved to lay the resolution on the table till the first of October next.

The ayes and nays were called, and ordered, and the resolution laid on the table by ayes 33—nays 30.

The members who voted for laying the resolution on the table, are

Messrs. Baines, Byers, Bateman, Bizzell, Blakemore, Collins, Conway, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Fancher, Flanagan, Finley, Gibson, Gaines of Scott, Greenwood, Hanly, Johnson, Lemoyne, Logan, Martin of Pulaski, Mayers, Nott, Rieves of Crittenden, Stewart of Clark, Sullivan, Stout, Waters, and Mr. Speaker—33.

The members who voted in the negative, are

Messrs. Arrington, Arnold, Armstrong, Burke, Campbell, Clyne, Field, Gray, Gage, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Marks, Martin of Franklin, Miller, Milligan, McClain, Parks, Reeves of Crawford, Roberts, Roane, Robertson, Rust, Steuart of Desha, Scott, Thompson, Vaughan, and Wiley—30.

Mr. Gibson called for the following resolution, on the table of yesterday:

Resolved, That a committee to consist of seven members, be appointed to inquire what number and amount of the Bonds of the State, were disposed to the Secretary of War on account of the Indian funds; by whom said Bonds were disposed of as Agents of the Bank of the State; what kind of funds were received, and by whom; in what manner they were paid over to the Bank; and in what time after the receipt (by the Agents) of said funds, they were paid over.

That they likewise be instructed to inquire what amount of the Bonds of the State have been sold to R. M. Johnson, late Vice President of the United States, on account of the Bank of the State; by whom said Bonds were sold; upon what time; what security was taken; whether the money has been paid upon the different instalments; what amount has been paid; what amount is yet unpaid; what is the condition and security of the balance unpaid; and all other matters and things touching said Bonds and their sale and transfer; and that said committee have full power to send for persons and papers; to examine witnesses upon oath; and to have before them the books and papers of the Bank of the State, and report to this House as early as practicable, all the facts they may ascertain by said investigation.

Be it further resolved, That the joint resolution proposing to go into the election of United States' Senator on Friday next, be, and the same is hereby, suspended until said committee shall make their report.

Which was read.

On motion of Mr. Gaines of Scott, the last clause of the resolution was striken out.

On the call of Mr. Gibson, the yeas and nays were ordered, and the resolution was adopted by yeas 62, nays 1.

The members voting for the resolution, are

Messrs. Arrington, Arnold, Armstrong, Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Clyne, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—62.

Mr. Peeler offered the following:

Resolved, That so much of the Governor's message as relates to the State Bank of Arkansas and branches, be referred to the committee on banking or banks.

Resolved, That so much of the Governor's message as relates to the, Real Estate Bank of Arkansas and branches, be referred as aforesaid, and that said committee report by bill or otherwise.

Which was read and adopted.

Mr. Logan offered the following:

Resolved, That the election of United States Senator be postponed until Friday week, instead of next Friday as agreed upon by the two Houses, and that the Senate be requested to concur herein.

Which was adopted.

Mr. Humphrey gave notice that on to-morrow he should ask leave to offer an amendment to the Constitution of the State, so as to authorise the election of the presiding Judge of the county court by the electors of the county in lieu of the mode now prescribed.

Mr. Cocke gave notice that on to-morrow he should ask leave to introduce a bill to be entitled "an act to amend the 45th chapter of the Revised Statutes, title 'Criminal Proceedings,' and to repeal so much of said chapter as relates to the change of Venue in criminal cases.

Mr. Miller gave notice that on to-morrow he would ask leave to introduce a bill authorising any citizen of this State to sell and dispose of any merchandize to the value of two hundred dollars, when the same is received in exchange of either his produce or manufactures, or from the proceeds of the sale thereof.

Mr. McClain gave notice that on to-morrow he would ask leave to introduce a bill to abolish imprisonment in civil cases.

Mr. Hanly gave notice that on Friday next, he would ask leave to introduce a bill to modify the 118th section of the 116th chapter of the Revised Statutes under the head of 'Practice at Law,' and to repeal the 97th section of the 4th chapter of the Revised Statutes, under the head of 'Administration.'

Mr. Collins gave notice that on to-morrow he would ask leave to introduce a bill allowing Sheriffs credits on the Auditor's Books for taking the State census.

Message from the Governor by his private Secretary, Mr. R. W. Johnson.

Which was read.

On motion of Mr. Logan, the House adjourned.

November 10th, 1842.
Thursday morning, 9 o'clock.

The House met pursuant to adjournment.

Mr. Gaines of Scott, presented a petition from one hundred and twenty-six citizens of the County of Scott, praying for the passage of a law authorising the removal of the records and offices of said County, from the present Seat of Justice to the town of Winfield, as selected for a County Seat, by the County Commissioner.

Which was read; and, on motion of Mr. Gaines of Scott, referred to a select committee of five, consisting of Messrs. Gaines of Scott, Robertson, Logan, Reeves of Crawford, and Gibson.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed by the Senate, to inform your honorable body, that the Senate have concurred in the resolution of the House of Representatives, postponing the election of United States Senator, until Friday week, instead of next Friday, as agreed upon by the two Houses.

Mr. Counts, from the committee on rules for the joint action of the House of Representatives and Senate of the General Assembly, on leave given, reported that, having had the matter under consideration, he was instructed to submit the following Joint Rules of the Senate and House of Representatives:

Rule 1st.—When the business requires the attendance of the Senate in the Representative Chamber, they, with their Clerks, shall be conducted within the bar, and there seated.

2nd.—When a message shall be sent by the Senate to the House of Representatives, it shall be announced at the door by the Doorkeeper; be respectfully communicated to the Speaker by the person by whom it may be sent, and a copy thereof be deposited at the Clerk's table.

3*rd.*—The same ceremony shall be observed, when a message is sent by the House of Representatives to the Senate.

4*th.*—A message to either House, shall be conveyed by the Secretary of the Senate, or Clerk of the House of Representatives.

5*th.*—After a bill shall have passed both Houses, it shall be enrolled by the Clerk of that in which it originated.

6*th.*—When bills are enrolled, they shall be examined by a joint committee, consisting of three members from the Senate, and three from the House of Representatives, to be appointed as a standing committe for that purpose, whose duty it shall be to compare the enrolled with the engrossed bill as passed by the two Houses; correct any errors that may be discovered; and report forthwith to their respective Houses, stating such errors as may be corrected by them.

7*th.*—After examination and report, each bill shall be signed by their respective Houses; first by the Speaker of the House of Representatives, and then by the President of the Senate.

8*th.*—After a bill shall have been signed by the Speaker of the House of Representatives and the President of the Senate, it shall be delivered by the joint committee of enrollments to the Governor, and report to each House respectively, the day on which such bill or bills were delivered; which report shall be entered on the journals.

9*th.*—When amendments are proposed to a bill in one House and dissented to in the other, if either House request a conference, and appoint a committee for that purpose, the other shall also appoint a committee for the same purpose; and such committee shall, at a convenient time to be named by their chairman, meet and state to each other verbally or in writing, the reasons for and against the amendment, and report to their respective Houses the result of their deliberations.

10*th.*—Committees of conference may be appointed in any disagreement in opinion subsisting between the two Houses at the request of either House.

11*th.*—When a committee is appointed to report a bill to either House, advice thereof shall be communicated to the other House.

12*th.*—The Clerk of either House, if directed by the House, shall deliver a copy of each bill after its first reading, to the Public Printer, who shall print copies thereof, for the use of the members.

13*th.* All bills, memorials, or resolutions, ordered to be engrossed, shall be engrossed by the Clerk of the House in which the same originated.

Which was read, and on motion of Mr. Hanly, the rules and report were adopted.

Mr. Clyne from the committee appointed to wait upon the Clergy of the city requesting their ministerial services in this House each morning, on leave given, Reported that they had waited on the Rev. Mr. Stevenson, who they are informed is the only officiating minister at this time in the city, and made known the object of their visit, and received in reply that he would officiate until his absent brethren shall return; all of which is respectfully submitted.

Mr. Brazil gave notice that on Monday the 14th inst., he would introduce a bill to alter and change the law contained in the 158th, 159th and 160th sections, chapter 4, concerning administrators.

Mr. Calvert of St. Francis offered the following:

Resolved, By the House of Representatives, that the committee required to be raised by the resolution of Mr. Gibson, concerning the sale and disposition of the State Bonds of the Real Estate Bank, be raised by ballot.

Which was adopted.

Mr. Logan offered the following:

Resolved, That a committee of five be appointed to examine the Administration Law of this State, and make such revisions and amendments thereto, as they may deem necessary or expedient, and report the same as soon as practicable.

Mr. Gibson offered to amend by striking out all after the word resolved.

Which was adopted; when the resolution was adopted in the following words, to wit:

Resolved, That the standing committee on the judiciary be instructed to revise and examine the law upon administrations, and report such amendments as they may deem necessary by bill or otherwise.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed the following resolutions:

Resolved, (The House of Representatives concurring therein) That the following standing committees of the Senate, and the corresponding committees of the House of Representatives, be united, and act as a joint committee, viz:

Committee on the Judiciary,
” ” Auditor's and Treasurer's Books,
” ” Public Buildings,
” ” Internal Improvements,
” ” Militia,
” ” Banks,
” ” Education,

Committee on Ways and Means,
” ” Counties and County Lines,
” ” Agriculture,
” ” Apportionments.

And that the House of Representatives be requested to concur therein.

Mr. Field offered the following:

Resolved, That so much of the resolution adopted on yesterday, relative to that part of the Governor's message relating to the Real Estate Bank, be rescinded.

Which was adopted.

Mr. Field offered the following:

Resolved, That a committee of five be appointed by the House, to act in conjunction with such committee as may be appointed by the Senate, to meet such committee as may be appointed for that purpose, by the Stockholders of the Real Estate Bank of the State of Arkansas, to hear and report to this House, such propositions as they may make, for winding up that institution, and further to direct their enquiries more particularly to the real condition of the Institution by ascertaining,

1st. What amount of capital did the mother bank and branches have in their vaults, at the time they went into operation? In what did that capital consist? Whether in gold and silver as contemplated by the charter, certificates of deposit, or eastern, northern, and southern funds?

2d. How many bonds issued by the State to that bank have been sold, by whom and when sold, and for what sold; the particular character of funds received and realized in exchange for these Bonds, and whether those bonds were sold in strict conformity with the charter?

3d. How much interest is due by the bank to the holders of said bonds, and what other liabilities the bank is under, either to other banks, or bond holders, individually or companies, of any kind; and the nature and amount of those liabilities, and upon what account they were credited?

4th. And whether any of the bonds issued by the State to the Real Estate Bank, have been hypothecated; and if so, when; by whom, and by what authority hypothecated, and to whom? how much and what character of funds were received and realized by the hypothecators and bank for those bonds?

5th. Whether the bank had the capital required by law, and whether it dealt in exchange, and to what extent? and if so, whether such dealing in exchange was in accordance with the meaning of the charter, and whether such dealing in exchange was promotive of the mercantile at the expense of the agricultural interest of the State?

6th. What amount has been discounted by the mother bank and branches, and what amount of the bills of that bank has been in circulation at any one time, and whether such discounts have been made to the people at large, or to the favorites of the bank; and more particularly, whether there have been more than three dollars in circulation to one in the vaults of the bank?

7th. Whether that bank and branches are not now in a state of suspension, and its ability to resume the payment of specie; and whether a portion of the funds of said bank was not deposited in brokers' offices for the purpose of buying up Arkansas money?

8th. Whether the assets of said Bank have not been illegally assigned by the central board to certain trustees belonging to said central board; what probable motives led to that extraordinary proceeding; whether the State and stockholders are either parties or privies to that deed; in whose custody the assets of the bank now are, and whether the bank has not forfeited its charter, by

1st. For banking without the capital required by the charter;

2d. For dealing in exchange;

3d. For suspending specie payments;

4th. For hypothecating the bonds of the State;

5th. For failing to pay promptly the interest accruing semi-annually upon the bonds sold by that bank;

6th. For assigning its assets to trustees without authority of law?

And be it further Resolved, That the said committee shall have full power to send for persons and papers, to examine witnesses on oath, and to have the books and papers of the bank before them, and that they report the result of their investigations to this House at as early a day as practicable.

Which was read and laid on the table.

[illegible]. Lemoyne gave notice that on to-morrow he would ask leave to introduce a bill to be entitled "an act to repeal the 20th section of the 39th chapter of the Revised Statutes, relative to County seats."

And that on Friday next, he will ask leave to introduce a bill to be entitled "an act to repeal the latter clause of the 14th section of the 12th chapter of the Revised Statutes, relating to revenue."

Mr. Peeler asked leave to introduce a bill on Tuesday next, to dispose of the 500,000 acres of land donated to the State of Arkansas by the Congress of the United States, and for other purposes.

Mr. Greenwood offered the following:

Resolved, That the committee on the judiciary be instructed to report to the General Assembly all laws contained in the Revised Statutes of Arkansas that have been declared unconstitutional by the Supreme Court of this State, and that the Senate be requested to concur herein.

Mr. Martin, of Pulaski, asked leave to give notice that on Tuesday next, he would introduce a bill to prohibit the introduction or emigration of free negroes, or free persons of color into this State.

Mr. Byers gave notice that he would introduce on to-morrow, "a bill for the relief of Henry A. Engles, late Sheriff of Independence County."

Mr. Robertson offered the following:

Resolved by the Senate and House of Representatives of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested, to use all their influence with the Congress of the United States, to so change or modify the compacts entered into between the United States and the State of Arkansas, with regard to the different donations of land made by the United States to the State of Arkansas, that the Legislature may have unconditional control and disposal of the same, or the proceeds arising from the sale of the same.

Which was read, and laid on the table for one day.

Mr. Logan gave notice that on Tuesday next, he would introduce a bill to be entitled "an act the better to provide for assessing and collecting taxes in this State, and to repeal the 6th, 7th, 8th, and 9th Sections of the 128 chapter of the Revised Statutes, under the head of Revenue."

Mr. Roberts gave notice he would on next Monday, introduce a memorial to Congress, praying the passage of a law authorising the Legislature of Arkansas to distribute the proceeds of the seventy-two sections of Seminary Lands among the several Counties of this State, for the establishment of Common Schools.

Mr. Gray gave notice that he would on Monday next, introduce "a bill authorizing the administrators of Allen McVay, to convey unto William Pelham, a certain quarter section of land in accordance with the bond executed by said McVay, in his lifetime."

Message from the Governor, by his Private Secretary, R. W. Johnson, which was handed to the Chair.

Mr. Hanly gave notice that on Monday next, he would introduce "a bill for the relief of Fleetwood Hanks, administrator of the estate of Millender Hanks, and to authorize him to sell lands of the estate."

Mr. Field gave notice that on Tuesday next, he would introduce a bill to be entitled "an act to regulate Clerks' fees, and for other purposes"—and also, on Monday next, he would introduce "a bill declaring Mine Creek, in the State of Arkansas, a navigable stream from Johnson's Mills, to its junction with Saline River."

Mr. Flanagan gave notice that on Wednesday next, he would introduce "a bill for amending the laws in relation to judgments and decrees; and also the laws in relation to the sale of property under execution."

Mr. McClain gave notice that he would introduce, on Monday next, "a bill to call in the scrip of Johnson County."

Pursuant to notice, Mr. Humphrey introduced a proposed amendment to the Constitution of the State of Arkansas, to wit:

"That so much of Section 10, of Article 6, as provides that there shall be elected by the Justices of the Peace of their respective Counties, a Presiding Judge of the County Court," be amended by striking out the words "*Justices of the Peace*," and inserting in lieu thereof, "*the qualified voters*."

Mr. Martin of Pulaski, presented a request from several gentlemen, citizens of Little Rock, constituting a committee from the Arkansas Temperance Society, asking the use of the Hall of Representatives on Tuesday Evening next, for the purpose of holding a Temperance Celebration.

Which was read.

Mr. Field moved that a committee of five be appointed to wait on the petitioners, to know whether this petition was not intended to be the foundation for a *Mississippi gallon law*.

Which motion was lost.

On motion of Mr. Collins, the use of the Hall was granted.

On motion of Mr. Collins, a committee of three were appointed to wait on the Temperance committee, and inform them of the result of their request.

The Speaker announced Messrs. Collins, McClain, and Steuart of Desha, as such committee.

On motion of Mr. Clyne, Mr. Miller's resolution concerning public printers, which was laid on the table yesterday, was taken up and read, and is as follows:

Resolved, That a committee of three be appointed to act in conjunction with such committee as may be appointed by the Senate for the purpose of receiving bids from the different printers in this State, to do the public printing of the General Assembly, and that the lowest bidder, he being able to give sufficient security for the faithful performance of the contract, be elected the public printer, and that the Senate be requested to concur herein.

Mr. Collins proposed to amend by adding, and

Be it further resolved, That this resolution shall refer only to the printing of the Acts and Journals, and that the committee receive bids from the printers of Little Rock, for the printing of all bills and resolutions, and other printing that may be required during the session.

Which was adopted.

When Mr. Crutchfield proposed to amend by adding "and that the said committee report to this House in regard to the printing of the bills and resolutions of this House, within five days from the adoption of this resolution."

Which was also adopted; when the resolution as amended was adopted.

The communications from the Governor were now taken up and read.

Gentlemen of the Senate, and House of Representatives:

In compliance with a resolution of the last legislature of the 17th Dec., 1840, requiring the Executive to procure all the evidence in relation to the legal title of the State to the south east quarter of section 3, township 1 north, range 12 west, adjoining the city of Little Rock, I herewith lay before you all the information which I have been able to procure, marked A. B. C. D. E. F. G. H. I. K. If upon a full and impartial examination of the subject, you should be satisfied that the State is entitled to recover the quarter section in controversy, I would suggest that some immediate steps be taken to try and determine the validity of the claim, or to memorialize Congress for remuneration for the loss of the 160 acres.

All of which is respectfully submitted.

A. YELL.

EXECUTIVE DEPARTMENT,
Little Rock, 9th Nov. 1842.

On motion of Mr. Crutchfield, the message and accompanying documents were referred to the Judiciary committee.

EXECUTIVE DEPARTMENT,
Little Rock, Nov. 10th, 1842.

Gentlemen of the Senate, and House of Representatives:

From the enclosed letter marked (A.) to Charles E. Moore, one of the locating agents for the State, it will be seen that I made a proposition to the claimants south of Red river, to enter their lands (such as were excluded under my letter of instructions, and that of the Commissioner of the General Land Office,) which is herewith enclosed, marked (B. & C.) upon such terms as the legislature would in their opinion be just and proper.

Relying upon the liberality and justice of the legislature, Messrs. M. Wright, Col. Whinnery, and Hamilton, and a few others, permitted the agents to select their improvements, and claims to the amount of some 10,000 acres or more.

The larger portion of the land which they permitted to be located by the State, is improved or claimed, and on which there are valuable and lasting improvements.

I cannot doubt for a moment that the legislature will hesitate to carry out the spirit of the proposition to which they have acceded, and allow them, and all others who are similarly situated, to enter their lands on fair and reasonable terms. It will afford me pleasure to communicate any information on that subject in possession of the Department at any time when desired by the legislature.

A. YELL.

On motion of Mr. Counts, referred to a select committee, consisting of Messrs. Counts, Baines, Miller, Marks, and Peeler.

EXECUTIVE DEPARTMENT,
Little Rock, November 20th, 1842.

To the House of Representatives:

Gentlemen—I herewith transmit a list of selections confirmed by the Secretary of the Treasury, (marked A,) to the State of Arkansas, of a large portion of the Salt Springs and land adjoining, in accordance with the compact granting to the State twelve salt springs and six sections of land adjoining thereto, approved by Congress 23d June, 1836, with plat designating the land reserved by the Commissioners of the General Land Office, marked B, and the letter of the Commissioner, marked C.

The plat contains the names of the settlers included in the sections as reported by the agents appointed to make the selections, whose claims were rejected by the Secretary of the Treasury as invalid.

Many of those claimants have made valuable improvements upon the land confirmed to the State. I therefore submit to the consideration of the legislature whether equity and justice would not require that they be allowed a reasonable and just compensation for their improvements, or to memorialize Congress to permit the State to locate other lands in lieu of those in controversy, and to authorize the claimants to enter their lands at Government price.

In the selections made in T. 11 N., R. 27 W. in Franklin County, there are claimants who have erected a mill and other valuable improvements worth several thousand dollars, and no doubt there are others in a similar situation. This, or any other just and equitable provision for their relief, will meet my decided approbation.

A. YELL.

On motion of Mr. Field, referred to a committee consisting of Messrs. Field, Clyne, Martin of Franklin, Calvert of Saline, Gaines of Chicot, and Lemoyne.

Mr. Gaines, of Chicot, appeared in the hall, produced his certificate of election, was qualified, and took his seat.

Pursuant to notice given, Mr. McClain introduced a bill to be entitled "an act to abolish imprisonment in civil cases," which was read a first time, and ordered to be printed.

Pursuant to notice, Mr. Cocke introduced a bill to be entitled "an act to amend the 45th chapter of the Revised Statutes, title, Criminal Proceedings, and to repeal so much of said chapter as relates to change of Venue in criminal cases."

Which was read a first time and ordered to a second reading.

Pursuant to notice, Mr. Collins introduced a bill to be entitled "an act allowing Sheriffs credits on the Auditor's Books, for taking the census."

Which was read a first time and ordered to a second reading.

Pursuant to notice, Mr. Miller introduced a bill to be entitled "an act authorising the sale of merchandise in certain cases."

Which was read and ordered to a second reading.

On motion of Mr. Scott, the House adjourned.

NOVEMBER 11th, 1842.
Friday morning, 9 *o'clock*.

The House met pursuant to adjournment.

On motion of Mr. Gibson, the reading of that part of the journals pertaining to the Governor's message was dispensed with.

Mr. Brazil gave notice that on Monday next, he would beg leave to introduce a bill to change and alter the services and duties of Justices of the peace in certain cases.

Mr. Roberts gave notice that he would, on Saturday week, ask leave to introduce a bill for an appropriation out of the five per cent. fund for cleaning out and improving the navigation of White river, from the head of Buffals' shoals to black river, and to distribute the residue of said fund among the different counties.

Mr. Haynes gave notice that on next Thursday, he would ask leave to introduce a bill to be entitled "an act to call in the scrip of Conway county."

Mr. Hardwick gave notice that on Monday next, he would ask leave to introduce a bill to repeal the law now in force, regulating the sale of property on executions; approved Dec. 23rd, 1840.

Mr. Campbell gave notice that on Tuesday next, he would ask leave to introduce a bill to repeal an act entitled an act to encourage the killing of wolves in this State; approved December 17th, 1838.

Mr. Arrington gave notice that on to-morrow, he would ask leave to introduce a bill to facilitate the collections of debts due on bonds and writings obligatory, and for other purposes.

Mr. Bizzell gave notice that on the first Monday of December next, he would introduce a bill for an appropriation, to clear out the Little Missouri river.

Mr. Gibson was called to the Chair.

Mr. Oldham proposed two amendments to the Constitution of the State of Arkansas; which were read and ordered to lay on the table for the order of the day of Tuesday week, and that 100 copies be printed.

Mr. Wiley gave notice that on Tuesday next, he would ask leave to introduce a bill to alter the time of holding the General Elections, in the State of Arkansas, from the first Monday in October, to the first Monday in August.

Mr. Roane gave notice that on to-morrow, he would beg leave to introduce a bill entitled "an act making certain appropriations to the Secretary of State."

Mr. Clyne submitted the following:

Resolved, That the committee on the Judiciary enquire into the expediency of allowing executions which have been stayed, to remain a lien on the property of the defendants after their death, and report by bill or otherwise.

Mr. Gaines of Scott gave notice that on to-morrow, he would present a bill to repeal the 114th chapter of the Revised Statutes, in regard to the creation of new counties, the alteration of county lines, and the removal of county seats.

Mr. Logan gave notice that on Wednesday next, he would ask leave to introduce a bill to be entitled "an act to seperate the election of Governor, Representatives in Congress, and members of the General Assembly, from that of Clerks, Sheriffs, and other county and township officers."

Pursuant to notice, Mr. Lemoyne introduced a bill to be entitled "an act to repeal the 20th section of the 39th chapter of the Revised Statutes," which was read a first time and ordered to a second reading.

Mr. Milligan gave notice that on Monday next, he would introduce a bill to repeal the eleventh section of the ninety-fourth chapter of the Revised Statutes of the State of Arkansas, and for other purposes.

Mr. Greenwood gave notice that on Thursday next, he would ask leave to introduce a bill to be entitled "an act to repeal the 26th, 27th, 28th, 29th, 31st, and 32nd sections of the 86th chapter of the Revised Statutes of Arkansas, and for other purposes.

Mr. Stewart of Clark gave notice that on Monday next, he would introduce a bill to be entitled "an act to call in the scrip of Clark county."

Mr. Sullivan gave notice that on Wednesday next, he would ask leave to introduce a bill to be entitled "an act to call in the scrip of St. Francis county."

Mr. Rust gave notice that on Monday next, he would introduce a bill to establish the county of Ouachita in this State.

On motion of Mr. Rieves of Crittenden, Mr. J. C. Johnson was added to the standing committee on Agriculture.

On motion of Mr. Roberts, Mr. Fancher was added to the committee on Counties and County Lines.

On motion of Mr. Collins, Mr. Bizzell was added to the committee on Internal Improvements.

On motion of Mr. Calvert of St. Francis, Mr. Rieves of Crittenden, was added to the committee on Public Lands.

On motion of Field, Mr. Nott was added to the committee on Public Lands.

On motion of Mr. Greenwood, Mr. Gray was added to the committee on apportionments.

On motion of Mr. Greenwood, the House went into an election by ballot, to raise the committee of seven, as proposed by resolution of Mr. Calvert of St. Francis, on yesterday, to act on the resolution of Mr. Gibson, concerning the sale of the State Bonds of the State Bank by Agents, and to investigate other things required by that resolution—which ballotting, resulted in the election of the following gentlemen; they having received the highest number of votes, viz:

Messrs. Arrington, Conway, Crutchfield, Gibson, Hanly, Mayers, and Roane.

On motion of Mr. Field, the resolution offered by himself on yesterday, raising and authorising a committee of five to investigate the conduct of the Real Estate Bank, and to inquire into the cause of the Bank's suspension, the trust conveyance of the Banks, assets, &c., was taken up, and read; when Mr. Rust offered the following amendment, which was accepted by Mr. Field:

And be it further resolved, That said committee be instructed to ascertain, whether or not said Bank has, at any time, been engaged in the buying and selling of cotton; and if so, the number of bales purchased; of whom purchased; the prices per pound, at which it was purchased; in what kind of funds paid for; the prices at which it was sold; to whom sold; and the kind of funds received for the same.

Resolved also, That the committee be instructed to inquire into, and ascertain if the Bank has been engaged at any time, in any traffic whatsoever, in property personal or real; and if such be the fact, was it under a grant or privilege either expressed or implied in its charter, or in direct gross and palpable violation of the same.

Resolved further, That the committee inform themselves, and report to this House, if said Bank has, at any time, through its officers, or otherwise, offered for sale in the City of New Orleans, or any other place without the limits of this State, a large amount of its paper, thereby creating a distrust in the public mind abroad, as to the solvency of the Bank, and as to the skill and integrity of its officers, which would depreciate its paper, impair the credit of the State, and be highly detrimental to the interest of her citizens.

Mr. Gaines of Scott, offered the following amendment:

And be it further resolved, That said committee be authorised and instructed to inquire into, and examine whether the Real Estate Bank or any of its Branches, has at any time been in the habit of receiving change tickets or shin plasters issued by any of the corporations of this State, or of individuals, or the scrip of any of the counties of this State, on deposit, or in payment of any debts due said Bank or its Branches; and if so, report what amount has been so received in the tickets of corporations; what corporations; and what amount of the tickets of individuals; and what individual's tickets has been received; and what amount of county scrip has been received; and the scrip of what counties has been received; together with the amount now on hand, and the present value thereof.

To which amendment, Mr. Flanagan offered the following amendment:

And whether any of said scrip or change tickets have been disposed of, and if so, how, and on what terms?

Which was accepted by Mr. Gaines; when Mr. Field accepted the amendment as amended.

Mr. Gray offered the following amendment, which was accepted by Mr. Field:

Resolved further, That they further inquire whether any individual has acted as director of that Bank, without having been sworn according to law.

Mr. Hanly offered an amendment as follows:

Resolved further, That said committee be required to enquire into the fact, whether or no some of the directors of said bank, have not been acting as such without being stockholders therein, in contemplation of the charter, and if so, whether such directors were not parties to the deed of assignment?

Which was accepted by Mr. Field.

Mr. Field then offered another clause to the resolution, which was, by the consent of the House, incorporated in the original resolution, and is as follows:

And be it further resolved, That the committee of the House in conjunction with the committee to be appointed by the Senate, do proceed in the investigation contemplated, whether the Bank appoints a committee to confer with the legislative committee or not.

Mr. Mayers offered an amendment as follows:

And that the committee be further instructed to enquire whether the directors of the Real Estate Bank at any time sold bills of Exchange, or purchased bills of Exchange, and whether when returned protested, or unpaid, the directors being liable for the payment of said drafts, or bills, as principal, or security, and if so, if they have not changed said bills into notes payable in the paper of said banks, and thereby defrauding said Bank out of its just claims.

Which was accepted by Mr. Field.

Mr. Gibson offered the following amendment:

Be it further resolved, That said committee be instructed to enquire specially into the amount of bonds disposed of by the agents of said Institution, to the President of the United States, for and on account of the Smithsonian Legacy; who were the agents to dispose of said bonds; what kind of funds were received upon said bonds; whether said funds were paid over to the bank, or placed to her credit in the eastern cities in kind, or whether they were converted into other funds; if so, what kind of funds they were; whether the agents were authorised by the powers invested in them by the agency to make such conversion; what amount was so converted into other funds as were received in lieu of the original funds; whether said agents retained and appropriated to their own use any amount or amounts in gold or silver of such funds, and in what manner and kind of funds such amount so used were paid in, or whether paid at all. And that said committee be instructed to make the subject of this resolution one of special investigation, and first upon entering upon the duties, and that they report specially to this House before the election of United States Senator shall take place on this day week.

Which was also accepted by Mr. Field.

Mr. Field offered another clause, which, by consent of the House, was incorporated in the original resolution, which is as follows:

And be it further resolved, That said committee further enquire whether the officers of the bank, both since and before the suspension of specie payments by said bank and branches, have not received their salaries in gold and silver, instead of its own bills; whether certain persons did not receive silver from said bank since its suspension in payment of notes issued by said bank, and at the same time refuse payment of its notes held by others; and whether said bank did discount notes since its suspension.

Mr. Mayers called for the ayes and noes on the adoption of the resolution as now amended, which were ordered, and the resolution with amendments was adopted unanimously by ayes, 63; the whole House voting in the affirmative.

On motion of Mr. Greenwood, ordered that 500 of the 1000 copies ordered of the Governor's message be printed, and distributed without the accompanying documents.

The orders of the day were now taken up.

The bill to abolish imprisonment in civil cases, was read a second time, and referred to the committee on the Judiciary.

The bill entitled "an act to amend the 45th chapter of the Revised Statutes, to the criminal proceedings, and to repeal so much of said chapter as relates to change of Venue in criminal cases," was read a second time and referred to the committee on the Judiciary.

The bill entitled "an act allowing Sheriffs credits on the Auditor's books for taking the census," was read a second time and referred to the committee of the whole House, made the order of the day for tomorrow.

The bill entitled "an act authorising the sale of merchandise in certain cases," was read a second time and referred to the standing committee on Agriculture.

Pursuant to notice Mr. Lemoyne introduced a bill entitled "an act to repeal the latter clause of the 14th section of the 128th chapter of the Revised Statutes," which was read and ordered to a second reading.

Pursuant to notice Mr. Byers introduced a bill to be entitled "an act for the relief Henry A. Engles," which was read a first time and ordered to a second reading.

On leave given, Mr. Hanly introduced a bill entitled "an act to postpone the time of holding the Circuit Court of Phillips county from the 3d Monday in November, 1842, to the 3d Monday in January, 1843," which was read a first time and ordered to a second reading.

On motion of Mr. Roane, the House adjourned.

November 12th, 1842.
Saturday morning, 9 *o'clock*.

The House met pursuant to adjournment.

Mr. John R. Llewellyn, from Chicot, produced his credentials of election, and being qualified, took his seat.

Mr. Byers, of Independence, presented to the House returns of elections from White County; which were referred to the committee on elections.

Mr. Peeler offered a series of resolutions relative to Prosecuting Attorneys; and the postponement of the election of Prosecuting Attorneys to the last of the session; and for raising the salaries of Prosecuting Attorneys; which was read, and on motion of Mr. Hardwick, was laid on the table till 4th July next.

Message from the Senate, by the Secretary:

Senate Chamber, *Little Rock*.

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed the following resolutions:

Resolved, That a committee of three members of the Senate be appointed to act in conjunction with a committee appointed by the House of Representatives, to ascertain where the public printing for the present General Assembly can be done.

Mr. President appointed Messrs. Yell, Ficklin, and Clark, and the concurrence of the House is asked therein.

I am also instructed to inform your honorable body, that the Senate have passed the following resolutions:

Resolved, That the committee on the Judiciary be instructed to inquire into the provisions of the deed of trust executed by the Real Estate Bank of Arkansas, and report to the Senate what provision, if any, is made to secure the State against loss on bonds issued by the State and sold by said bank to raise her capital; whether or not, each and all of the trustees appointed under said deed, have given bond and security for their performance? Also, the amount in which said bonds are given, and as to the solvency of the securities on said bonds, if any have been given.

Resolved further, That said committee report to this House, whether or not in their opinion, the bonds so executed are given in an amount sufficient to cover the assets of said bank.

Resolved further, That said committee have power to send for persons and papers; and that the concurrence of the House is asked therein.

Mr. Speaker announced the following committee appointed to act in accordance with Mr. Field's bank resolution, consisting of Messrs. Field, Conway, Cocke, Byers, and Hanly.

On motion of Mr. Hanly, Messrs. Stout, Mayers, Scott, and Rust were added to that committee.

On motion of Mr. Hardwick, Mr. Houston was added to the committee on Education.

Mr. Collins, from the committee appointed to wait on the temperance committee of the Arkansas Temperance Society, on leave given,

Reported, That having communicated with the temperance committee of the Arkansas Temperance Society, and having ascertained it is their wish that the use of the Hall be given to them at 2 o'clock, P. M. on Thursday next, this committee respectfully recommend to to this House a complianee with their wish.

On motion of Mr. Gibson, the request of the committee was granted, and the same committee on the part of the House instructed to inform said committee of the Arkansas Temperance Society of the compliance of the House.

Mr. Humphrey gave notice that, on Monday week, he would ask leave to introduce a bill for the sale of the Sixteenth Sections of land throughout the State.

Mr. Vaughan offered the following:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of reducing the number of Grand Jurors now required by law, and report to the House the result of their deliberations; which was read and adopted.

Mr. Cline proposed to amend the Constitution of the State of Arkansas, as follows:

Amend the 29th section of the 4th article of the Constitution of Arkansas, by striking out in said section and article "except Washington County, which may be reduced to six hundred square miles," and which, when so amended, will read as as follows: "Art. 4th, Sec. 29th. No county now established by law shall ever be reduced by the establishment of any new county or counties to less than nine hundred square miles, nor to a less population than its ratio of representation in the House of Representatives; nor shall any county be hereafter established which shall contain less than nine hundred square miles, or a less population than would entitle each county to a member in the House of Representatives.

Mr. Steuart of Desha, gave notice that, on Tuesday next, he would ask leave to introduce a bill to repeal the eighth section of an act defining the judicial circuits of this State, and prescribing the time of holding the courts therein, and for other purposes, passed at the third session of the General Assembly of the State.

Mr. Parks gave notice that he would, on Tuesday next, introduce a bill to prohibit the issue of change tickets, either by corporations, companies, or individuals, and making it a Penitentiary offence to issue the same, and making it a heavy penalty for any persons to pass or receive the same, and making it the duty of the Governor, Judges of the Supreme, Circuit, and County Courts, as well as Justices of the Peace, Sheriffs, and Constables, and Grand Jurors, to take notice of any such violations as may come under their notice.

Mr. Miller offered the following joint resolution, to wit:

Resolved, That our Senators in Congress be instructed, and our Representative be hereby requested, to use all their exertions to establish a fort somewhere between Fort Smith and the Missouri line; and the Senate is hereby requested to concur in this resolution.

And be it further Resolved, That the Governor be hereby requested to forward this resolution to our Senators and Representative in Congress.

Mr. Flanagan gave notice that, on Monday next, he would ask leave to introduce a memorial to Congress praying for additional defences on the Western frontier, and also,

That, on Monday next, he would ask leave to introduce a resolution proposing an alteration in the 2d section of article 6th of the Constitution.

Pursuant to notice, Mr. Roane introduced a bill to be entitled "an act making certain appropriations," which was read a first time and ordered to a second reading.

Mr. Crutchfield offered the following:

Resolved, That so much of the Governor's Message as relates to internal improvements not heretofore referred, be referred to the standing committee on that subject; which was adopted.

Mr. Logan gave notice that he would, on Monday next, introduce a bill to be entitled "an act to call in the scrip of Pope County, and for other purposes."

Mr. Counts gave notice that, on Monday next, he would ask leave to introduce a bill to be entitled "an act to locate and establish a state road in the State of Arkansas, commencing at the City of Little Rock and running north to the State line, in the direction of Jefferson City, in the State of Missouri.

Hr. Hardwick gave notice that, on Tuesday next, he would ask leave to introduce a bill to amend the 2d section of the 12th chapter of the Revised Code under the head of Attachments.

Mr. Milligan gave notice that he would introduce a bill on Tuesday next, to impose a fine on any person who may set fire to woods between certain days of the year, which may be named.

On motion of Mr. Field, Mr. Flanagan was added to the committee appointed to investigate the matters in relation to the Real Estate Bank of Arkansas.

Mr. Field gave notice that on next Thursday he would introduce a bill in relation to Sheriffs' fees, and the present mode of making assessments, and for other purposes. And also, that on Friday next, he would introduce a bill giving the Judges of the Circuit Courts of Arkansas, power to order repairs upon Court Houses, and to make the necessary appropriations out of the county fund thereof.

Mr. Greenwood gave notice that, on Tuesday the 22d inst., he would ask leave to introduce a bill to be entitled "an act to alter the statutes of this State in relation to Roads and Highways."

Mr. Houston offered the following:

Resolved, That we instruct our Senators, and request our Representative, in Congress, to use every honorable effort in that body, to refund to General Andrew Jackson the sum of one thousand dollars, with interest from 1815, the date of a fine imposed on him for subjecting New Orleans to martial law.

On motion of Mr. Steuart of Desha, Mr. Clyne was added to the standing committee on education.

On motion of Mr. Sullivan, Mr. Collins was added to the standing committee on internal improvements.

On motion of Mr. Collins, Mr. Gaines of Chicot, was added to the committee on the Real Estate Bank.

On motion of Mr. Calvert of St. Francis, leave of absence was granted to Mr. Rieves of Crittenden, on account of indisposition.

On motion of Mr. Counts, Mr. Lemoyne was added to the committee on Salt Springs.

Mr. Byers offered the following:

Resolved, That the General Assembly, on Wednesday next, proceed to the election of Prosecuting Attorneys for the several judicial districts in the State, and that the Senate be requested to concur herein.

On motion of Mr. Logan, Mr. Cocke was added to the committee on education.

Mr. McClain gave notice that, on Monday next, he would ask leave to introduce a bill to repeal the 8th section of an act entitled "an act defining the judicial circuits of this State", and prescribe the time of holding the courts therein, and for other purposes.

On motion of Mr. Hardwick, the orders of the day were taken up.

The bill entitled "an act allowing Sheriffs credit on the Auditor's books for taking the census," was called in the order of the day.

The House now resolved itself into a committee of the whole, Mr. Crutchfield in the chair, and after closing their deliberations, Mr. Speaker resumed his seat, when Mr. Crutchfield reported said bill back to the House without amendments.

Which was read a third time and passed, and was transmitted to the Senate, for their assent thereto.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate has concurred in the series of resolutions adopted by the House concerning the Real Estate Bank, with the following amendment:

1*st*.—By inserting the words "corn and timber," after the word "cotton."

2*nd*.—By adding the following resolutions:

And be it further resolved, That the said committee inquire into the value of real estate mortgaged to said Real Estate Bank, and what amount or value of lands have been secured to said Bank by perfecting mortgages or other title papers, in conformity with the charter of said Real Estate Bank.

And be it further resolved, That said committee be further instructed to inquire whether said Bank, or any of its Branches, have purchased at any time bills of exchange, knowing at the time of said purchase, that the drawer of bill or bills had no funds in the hands of the drawee or payer of said bills.

On motion of Mr. Field, the House concurred in the amendment and resolutions from the Senate, and the Senate advised thereof by message.

The bill of the House, entitled "an act postponing the term of the Circuit Court of Phillips County, from the 3rd Monday of November, 1842, to the 3rd Monday of January, 1843, was taken up and read a second time; and,

On motion of Mr. Hanly, was committed to the whole House, and made the order of the day on Monday next.

The bill of the House, entitled "an act for the relief of Henry A. Engles," was read a second time, and referred to a committee of the whole House, and made the order of the day on Monday next.

The bill of the House entitled "an act to repeal the 20th section of the 39th chapter of the Revised Statutes," was read a second time.

Mr. Clyne moved to lay on the table, till the first of March next.

Which was lost.

When, on motion of Mr. Lemoyne, it was referred to a select committee of five, consisting of Messrs. Lemoyne, Counts, Sullivan, Haynes, and Johnson.

The bill of the House, entitled "an act to repeal the 14th section of the 128 chapter of the Revised Statutes," was read a second time;

and, on motion of Mr. Flanagan, was referred to a select committee of five, consisting of Messrs. Lemoyne, Flanagan, Cocke, Hanly, and Finley.

Mr. Mayers offered the following:

Resolved, That the committee on Banks, have power to employ a Clerk for the purpose of acting for the committee of both Banks.

When, on motion of Mr. Robertson, the House adjourned.

November 14th, 1842.
Monday morning, 9 *o'clock*.

The House met pursuant to adjournment.

Mr. Scott presented a petition from 167 citizens of Sevier County, asking for a division of said County.

Which was read, and referred to the committee on Counties and County Lines.

Mr. Stout presented a petition from Mr. J. B. Russell, of Cane Hill, asking for a law authorising him to make sale of a certain negro woman and child belonging to the estate of Charles Russell, deceased.

Which was read, and referred to select committee, consisting of Messrs. Stout, Brazil, and Jeffrey.

Mr. Jeffrey presented a petition from 143 citizens of Izard County, asking for the establishment of a road from the Arkansas river, running north to the Missouri line towards Jefferson City, the capitol of the State of Missouri.

Which was read, and referred to the committee on Internal Improvements.

Mr. Steuart of Desha presented a petition from Mrs. Elizabeth J. Henson, administratrix *de bonis non* of Hugh C. Henson, late Sheriff of the county of Desha, asking for relief from the liabilities of her intestate, as Sheriff and collector of said county.

Which was read and referred to a select committee, consisting of Messrs. Steuart of Desha, Rust, and Jeffrey.

Mr. Speaker presented the following memorials from the Trustees of the Real Estate Bank. Which was read.

Office of the Trustees of the
Real Estate Bank of Arkansas.
Little Rock, 11*th Nov.* 1842.

Hon. W. S. Oldham, Speaker of the House of Representatives:

Sir—I am instructed by the Trustees of the Real Estate Bank, to lay before the General Assembly, through you, the accompaying memorial.

Very respectfully, your ob't serv't,
SAM. C. ROANE,
Chairman Board of Trustees.

To the Honorable the Senate and House of Representatives of the State of Arkansas, in General Assembly convened:

The Trustees of the Real Estate Bank of the State of Arkansas, respectfully request to be permitted to make known to your honorable body, that actuated by a sincere desire to perform faithfully the important trusts confided to their hands, to remove all causes of complaint, doubt, or suspicion, on the part of the people of the State, and to lay open to the closest scrutiny every transaction in which they or any of them may have been, or may hereafter be concerned, and being authorised by the deed of assignment to accept and conform their action to any law of the land which may be enacted concerning the trust conferred upon them, they have prepared and desire to present to your honorable body, certain propositions for your consideration.

In making these propositions, they are governed solely by a spirit of concession, and an ardent desire so to compose the existing difficulties in regard to the Real Estate Bank, as to enable the trusts to be carried out with entire faithfulness, and to give assurance to the State that her interests and the interests of the people will not be jeopardised.

The highest tribunal in this State having declared the deed of assignment to be valid, a decision of which the correctness is attested by the highest living luminaries of th[illegible]and in the United States, the Trustees would not feel at liberty, even if they desired, to renounce the trusts, but are willing to submit themselves to all such checks and guards, as shall secure on their part a full and perfect accountability, and guarantee a faithful administration of the assets of the Bank.

They, therefore, most respectfully propose,

1st. That as Trustees and Stockholders, and believing that they speak the sentiments of a large majority of the Stockholders, they are willing and assent to, as far as in their power, a surrender or forfeiture of the charter, and will offer no defence to any proceedings which your honorable body may cause to be instituted, for the purpose of ending the corporate existence of the Bank, so far as relates to their banking privileges.

2d. That a board of Commissioners shall be appointed on the part of the State by the Legislature, to consist of one, two, or three Commissioners, to whom the books and papers of the Bank shall always be open for inspection; and who shall act as, and have all the powers necessary to be exercised by a board of visitation and inspection. And that the Trustees shall annually make out and publish a full statement of the condition and disposition of the assets of the Bank, and the manner in which the trust property has been administered.

3d. That suitable provisions be made by law to effect the speedy removal of any of the Trustees, whenever they become liable thereto, and to cause a settlement and account at any time in a manner more speedy than ordinary proceedings in Chancery.

4th. That the bonds executed by the Trustees shall be filed in the office of the Secretary of State for safe keeping; and the residuary Trustees to be appointed under the deed of assignment, shall execute bonds to the Governor and his successors in office in the sum of $50,000 each, to be also filed in the office of the Secretary of State.

5th. That the Trustees be by law authorised and empowered to execute contracts, and take notes, obligations, and instruments of every kind, necessary to be taken by them, in and by the name and description of "The Trustees of the Real Estate Bank of the State of Arkansas," and to sue on, and enforce all notes, &c. so executed, or executed to them by their individual names in such suit. That no change of individual Trustees operate to abate or delay any suit or proceeding, or to prevent or delay the execution of any judgment. That the individual Trustees may execute their notes for the amounts due by them, to the whole body of Trustees; may sue an individual Trustee *at law*, in the same manner as they may sue any other individual, and that suits may be brought by them, and process issued in and to the same counties under the same circumstances, wherein the Bank may now sue and whereto process in such suits may now be issued.

Which proposition, if accepted and approved by your honorable body, will be acceded to by said Trustees, who most respectfully represent that the difficulties now existing, and the delay which has occurred in carrying said trusts into full operation, has wrought great injury to the Bank, and that if further litigation, and more extended difficulties should take place, it can only result in the almost entire ruin of all the parties concerned; and they therefore most respectfully ask to be allowed to hope that the foregoing propositions may be favorably considered by your honorable body; and the Trustees also here take occasion to invite the most ample and minute scrutiny into all the affairs of the Bank and the conduct and transactions of its directors, officers, and agents, and also of themselves, in such manner as your honorable body shall think proper.

SILAS CRAIG,
JOHN PRESTON, JR.,
W. F. MOORE,
L. N. CLARKE,
JOHN DRENNEN,
SAM. C. ROANE,
GEORGE HILL,
S. C. FAULKNER,
A. H. DAVIES,
E. J. SMITH,
H. L. BISCOE.

LITTLE ROCK, *November 11th*, 1842.

Mr. Rust moved to postpone any action upon the memorial, until to-morrow week, and print 100 copies for the use of the House; which was lost.

Mr. Gibson moved that the memorial be referred to the committee on the Judiciary, with instructions to report as early as practicable, whether said assignees have any existence in law, and therefore, any right or authority to submit to this House propositions; and whether such propositions would be obligatory upon the Real Estate Bank, if concurred in, or assented to by the legislature ?

On motion of Mr. Flanagan, the action on the motion of Mr. Gibson was deferred till such time as the committee shall report their investigation into the affairs of the Real Estate Bank.

On motion of Mr. Mayers, Mr. Reeves of Crawford, was added to the committee on Counties and County Lines.

Mr. McClain gave notice that on Tuesday next, he would ask leave to introduce "a bill to abolish capital punishment in this State."

Mr. Peeler gave notice that on Thursday next, he would ask leave to introduce "a bill to allow additional pay to Prosecuting Attorneys."

Mr. Flanagan offered a resolution instructing the Clerk of this House to have one hundred copies of Mr. Field's bank resolution, as now amended, printed for the use of the House.

Which resolution was laid on the table, on motion, until the committee on Mr. Field's resolution shall report.

On motion of Mr. Gibson, so many of the members of the committee appointed for Mr. Field's resolution "who may request it," as are members of the standing committee on Banks, be excused, on account of the multiplicity of business.

Whereupon, Messrs. Conway, Cocke, Byers, and Hanly, asked leave and were excused.

On motion of Mr. Gibson, the committee raised by ballot to examine into the sale of the State Bonds by Agents, &c., as proposed in his resolution of last Wednesday, were instructed to make such investigation as are therein prescribed as special duty, and report without delay.

Mr. Logan offered the following:

Resolved, That a committee of five members be appointed, whose duty it shall be to inquire into the liabilities in Bank of all such persons as offer themselves, or whose names are presented by others, as candidates for election to any office within the gift of the present Legislature.

Resolved, That said committee be requested to address written communications to each candidate, informing them of these resolutions, and asking them most respectfully to respond thereto, by statements in writing, each detailing his respective liabilities in Bank, both as principal and security, with a full reference to the evidence thereof.

Resolved, That said committee preserve copies of all communications addressed to such candidates by them, and the original responses of all such candidates to their own communications, and make a full report of their proceedings at as early a period as may comport with a satisfactory discharge of the duties hereby required.

Resolved further, That all elections in the interim, be deferred until such committee shall have made their report.

Resolved further, That this House courteously request that no individual suffer his name to be run as a candidate for any office before the present Legislature, who shall refuse or neglect to comply with the provisions of these resolutions.

Resolved further, That the terms of these resolutions be so construed as to embrace candidates for the Senate of the United States, as well as other aspirants for office.

Mr. Lemoyne moved to lay on the table till 4th March, 1844.

Mr. Logan called for the ayes and nays, which were ordered; and the resolution laid on the table by ayes 33, nays 29.

The members who voted in the affirmative, are,

Messrs. Armstrong, Bateman, Bizzell, Brazil, Blakemore, Conway, Crutchfield, Cocke, Fancher, Flanagan, Gage, Greenwood, Haynes, Calvert of Saline, Counts, Humphrey, Hardwick, Hanly, Lemoyne, Marks, Martin of Pulaski, Mayers, Nott, Peeler, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Vaughan, Waters, and Wiley—33 ayes.

The members who voted for the resolution, are,

Messrs. Arrington, Arnold, Baines, Burke, Collins, Campbell, Calvert of St. Francis, Clyne, Field, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Houston, Jeffrey, Johnson, Llewellyn, Logan, Martin of Franklin, Miller, Milligan, McClain, Parks, Reeves of Crawford, Roberts, Roane, Robertson, Thompson, and Mr. Speaker—29 nays.

Pursuant to notice given, Mr. Rust presented a bill to establish the county of "Ouachita" from the county of Union, accompanied by a large list of citizens of Union county.

Which was read a first time, and ordered to a second reading.

Mr. Speaker presented a report from the President of the principal State Bank and General Board, in compliance with the charter of that institution, accompanied by tabular statements showing the present condition of said bank and its branches.

Which was read, and is as follows:

BANK OF THE STATE OF ARKANSAS,
Little Rock, 12*th November*, 1842.

To the Senate and House of Representatives of the State of Arkansas:

Gentlemen—In accordance with the charter, and by order of the General Board, I have the honor of transmitting herewith the several statements exhibiting the situation of this bank, and its branches, up to the 1st inst., marked A. B. C. D. & E., and the sickness and consequent absence of one of the members of the General Board, prevented it from being submitted at a more early day. The tabular statement marked A. presents a condensed view of the situation of the whole institution, and statements B. C. D. & E. present full and separate exhibits of the principal Bank and each of its branches, showing in detail the nature and extent of their liabilities and assets.

It will be perceived by reference to these statements, that the branches at Arkansas and Batesville, gave drafts upon the North American Trust and Banking Company of New York, for $15,900, to meet their quota of interest on bonds due in July, 1841.

These drafts were returned under protest from New York, and however circumstances may have changed the opinion at the present day, it was at that time deemed advisable to sustain the credit of the Bank and of the State, by *immediately* paying the deficiency of interest thus due on the Bonds, which arrangement was effected (in the absence of bills and all other means of remittance) by the principal Bank advancing and shipping coin to New Orleans, there to be invested in drafts on New York, upon a re-imbursement of the specie by the parties interested in the protested checks. These drafts, however, have not yet been paid either by the Trust Company, or the Branches, which circumstance, together with the necessity of making similar arrangements on her own account, as well as further advances for account of the Branches, will explain the cause for so small an amount of specie being at present in the vault of the principal Bank, and your honorable body will further bear in mind, that the principal Bank continues to pay specie for her bills, and that her whole circulation is now nearly withdrawn. Although the defalcation of the North American Trust Company is attended with great inconvenience, in having thus withdrawn so much of the specie means from the institution, it is yet confidently hoped that no actual loss will occur as a bond of individual guarantee (of which a copy is herewith furnished, marked F,) was taken to secure payment of the debt owing by the Trust Company, and for the recovery of which suit has been instituted in New York.

The amount now owing to the Trust Company is $25,366 87, beside interest, and which debt is almost exclusively due to the branches, except so far as the Principal Bank may be interested in the $15,900 of protested drafts before referred to.

The officers of this institution are ready to receive the committee appointed to examine into its condition, &c., and will, with great pleasure, lay before them the books of the Bank and furnish all the information in their power.

With great respect, I am, gentlemen, your ob't serv't.

SAMUEL M. RUTHERFORD,
President Principal Bank,
and President of the General Board.

When, on motion of Mr. Crutchfield, the reading of the accompanying documents was dispensed with.

When, on motion of Mr. Gaines of Scott, the report and accompanying documents were referred to the standing committee on Banks.

Mr. Armstrong gave notice that, on Monday next, he would introduce a memorial, asking an appropriation of the General Government for the opening of a road from the Arkansas river to Red river, running east of the Choctaw line, and as near said line as practicable, in the State of Arkansas.

Mr. Stout gave notice that, on to-morrow, he would introduce a bill to provide for the payment of all expenses in conveying convicts from the several counties, to the jail and penitentiary house of the State, and for other purposes.

Mr. Miller gave notice that, on Wednesday next, he would ask leave to introduce a bill to repeal and amend the estray law of this State.

Pursuant to notice, Mr. Hanly introduced a bill entitled "an act to repeal the 97th and 98th sections of the 4th chapter of the Revised Statutes," which was read a first time, and ordered to a second reading.

Pursuant to notice, Mr. Hardwick introduced a bill to be entitled "an act to repeal the law now in force regulating the sale of property on executions," which was read a first time, and ordered to a second reading.

Pursuant to notice, Mr. McClain introduced a bill to be entitled "an act to repeal the 8th section of an act entitled an act, defining the judicial circuits of the State, and prescribing the times of holding the courts therein, and for other purposes," which was read a first time, and ordered to a second reading.

Pursuant to notice, Mr. Lemoyne introduced a bill entitled "an act to establish the county of Perry, more fully defining the boundaries of said county," which was read a first time, and on motion of Mr. Lemoyne, the rules of the House were dispensed with, and the bill read a second time.

On motion of Calvert of St. Francis, the rules of the House were dispensed with, and the bill read a third time, and passed; and was transmitted to the Senate for their assent thereto.

Pursuant to notice, Mr. Logan introduced a bill to call in the scrip of Pope county, which was read a first time, when Mr. Logan moved to dispense with the rules of the House for a second reading, which was lost, and the bill ordered to a second reading.

On motion of Mr. Gibson, the orders of the day were taken up.

The bill of the House entitled "an act to postpone the time of holding the circuit court of Philips county from the third Monday in November, 1842, till the third Monday in Jan'y, 1843," was taken up.

The House now resolved itself into committee of the whole, Mr. Gibson in the chair, and after the deliberations of the committee closed, Mr. Speaker resumed his seat; and Mr. Gibson, chairman, on leave given,

Reported, That the committee having matured their deliberations, beg leave to report the bill back to the House without amendment; which report was received, and the bill was read a third time; and, on motion of Mr. Roane, further action on the bill was postponed indefinitely.

The bill entitled "an act for the relief of Henry A. Engles, late Sheriff of Independence county, was taken up.

When the House resolved itself into committee of the Whole, Mr. Crutchfield in the Chair.

When on the termination of the committee's deliberation, Mr. Speaker resumed the Chair.

And Mr. Crutchfield, Chairman, on leave given reported the bill back to the House without amendment, which was then read a third time and passed, and was transmitted to the Senate for their assent.

Pursuant to notice, Mr. Brazil introduced a bill to be entitled "an act to alter and change the law upon the subject of the powers and duties of Justices of the peace in particular cases."

Which was read a first time and ordered to a second reading.

Pursuant to notice, Mr. Milligan introduced a bill to be entitled "an act to repeal the 11th section of the 94th chapter of the Revised Statutes."

Which was read a first time and ordered to a second reading.

On motion of Mr. Brazil, the House adjourned.

NOVEMBER 15th, 1842.
Tuesday morning, 9 o'clock.

The House met pursuant to adjournment.

On motion of Mr. Greenwood, the reading of the Journal containing the memorial of the assignees of the assets of the Real Estate Bank was dispensed with; and also that part of the Journal containing the report of the President from the State Bank.

Mr. Speaker appointed the following gentlemen to fill the place of the gentlemen excused from serving on the committee pursuant to Mr. Fields' bank resolution yesterday:

Messrs. Gibson, Arrington, Gaines of Scott, and Baines.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have received a communication from Sam'l. M. Rutherford, President of the Bank of the State of Arkansas, with accompanying documents, purporting to exhibit the true situation of the bank of the State of Arkansas, and her different branches in this State; which communication and documents, were made for the information of the Senate, and referred to the committee on banks.

Mr. Cocke presented a petition from Mr. John Morris, asking for compensation for services done in admeasuring the carpenters work on the State House in the year, 1839, which was read, and on motion of Mr. Cocke, referred to standing committee on public buildings.

Mr. Field presented a petition from Josiah Garland, stating that a portion of his lands had been located by the commissioners appointed by the Executive for the purpose of locating the five hundred thousand acres of land donated by the General Government, and asking for relief from the great inconvenience in which he is involved by such location. Which was read.

When, on motion of Mr. Field, the petition and accompanying documents, were referred to select committee on public lands.

Mr. Greenwood, from the committee on elections, on leave given, reported as follows:

Mr. Speaker—Your committee to whom was referred the papers relating to the contested election in the representative branch of this legislature, have instructed me to report that they, on examination, do find that from the certificate of the Secretary of State, it appears that John Arnold received 122 votes, and that John Cook received 118 votes, being a majority of four votes in favor of Arnold; and that upon further examination of the papers referred to, it appears that John Arnold received seven illegal votes, incorporated in the above 122, which being deducted from the same, will leave to said Arnold 115 legal votes; and to said John Cooke 117 legal votes, he having received one illegal vote, leaving Cook's majority, two.

All of which is most respectfully submitted, together with the testimony upon which the report is founded.

A. B. GREENWOOD, *Chairman.*

Mr. Gray moved the adoption of the report.

Mr. McClain opposed that motion.

Mr. Gibson called for the ayes and nays on the adoption, which were ordered, and the report adopted by ayes 43, nays 16.

The members who voted for the adoption, are,

Messrs. Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Burke, Collins, Campbell, Cocke, Counts, Clyne, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Franklin, Miller, Peeler, Parks, Reeves of Crawford, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Thompson, Vaughan, Waters, and Mr. Speaker—43.

The members who voted against it, are,

Messrs. Arrington, Armstrong, Calvert of Saline, Calvert of St. Francis, Humphrey, Hardwick, Hanly, Houston, Martin of Pulaski, Mayers, Milligan, McClain, Roane, Rust, Scott, and Wiley—16.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have received the joint resolution from the House of Representatives, "that our Senators in Congress be instructed, and our Representative be requested, to use all their influence with the Congress of the United States to change or modify the compact entered into between the United States and the State of Arkansas, with regard to both different donations of land made by the United States to the State of Arkansas, that the Legislature may have unconditional control and disposal of the same, or the proceeds arising from the sale of the same," and referred the same to the committee on education.

On motion of Mr. Gibson, Mr. Cook, member elect from White County, his election being determined by the committee on elections, after having the certificate of election, under investigation, now came forward, was qualified, and took his seat as a member from White County.

Mr. Gaines of Scott, from the committee to whom was referred the petition of sundry citizens of Scott County, asking the removal of the present seat of justice from the town of Boonville, to the town of Winfield, as selected by County Commissioners, on leave given, reported the result of their deliberations to the House by bill.

Which was read a first time, and ordered to a second reading.

Mr. Mayers offerred the following:

Resolved, That so much of the Governor's message as relates to the defenceless condition of our frontier, be referred to the committee on militia, with instructions to report by bill or otherwise.

Which was read and adopted.

Mr. Calvert of Saline, gave notice that he would on to-morrow, introduce "a bill to suppress the practice of betting on elections, &c."

And also, that on Thursday next, he would introduce "a bill to amend the 66th section of the 80th chapter of the Revised Statutes, title Roads and Highways," so far as the same relates to the County of Saline.

Mr. Baines offered the following:

Resolved, That the committee to whom was referred the series of resolutions of Mr. Field, concerning the Real Estate Bank, be instructed to inquire of the Directors and Stockholders of the said Real Estate Bank, whether they were induced to make the deed of assignment to certain trustees, by a desire to secure the State from loss; or whether it was to protect themselves from being garnisheed by those that had or was likely to obtain judgments against said Bank and its Stockholders.

When Mr. Hanly would offer as amendment to said resolution:

Resolved further, That said Committee be instructed to inquire into all the causes which led to the *bonfire* which shone so beautifully in the streets of our Metropolis on last evening, to ascertain whether the said fire was gotten up for ostentation and show, or whether it was intended as the destructive agent in ridding the country of a superabundance of irredeemable Bank paper.

Which amendment was lost.

Mr. Baines called for the ayes and nays on his resolution; which were ordered, and the resolution rejected, by nays 35, ayes 27.

The members voting against the resolution, are

Messrs. Arrington, Byers, Bateman, Brazil, Blakemore, Burke, Collins, Crutchfield, Cocke, Calvert of St. Francis, Counts, Clyne, Cook, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Hardwick, Hanly, Johnson, Llewellyn, Lemoyne, Marks, Martin of Pulaski, Peeler, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, and Wiley—35.

The members who voted for the resolution, are

Messrs. Armstrong, Baines, Bizzell, Campbell, Calvert of Saline, Field, Fancher, Gray, Gage, Greenwood, Haynes, Humphrey, Houston, Logan, Martin of Franklin, Mayers, Miller, Milligan, McClain, Parks, Reeves of Crawford, Roberts, Thompson, Vaughan, Waters, and Mr. Speaker—27 ayes.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed

An act for the relief of William Adams, special Sheriff of Johnson county. Also,

An act to amend the Statutes concerning free negroes and mulattoes. Also,

An act of the House allowing Sheriffs credits on the Auditor's books, for taking the census.

The Senate have concurred in the resolutions of the House, that the committee on the Judiciary be instructed to report to this General Assembly, all laws contained in the Revised Statutes of Arkansas, that have been declared unconstitutional by the Supreme Court of this State.

On motion of Mr. Field, Mr. Armstrong was added to the committee on counties, and county lines.

Mr. Gaines of Chicot, offered the following:

Resolved, That the several committees on banks, be instructed to obtain from the office of the State and Real Estate Banks, a list of all debts of said banks; the amounts of discounts to each individual; the amounts paid in liquidation of such discounts by each individual, and the amounts now due, distinguishing discounts of bills of Exchange, from discounts of notes, in both of said banks, and stock accommodation from others in the Real Estate Bank.

And further, that said committee obtain and make out from the best information they can get, a list of all suspended debts, showing at what time such debts were protested, in what situation they are now placed, and the proportion of them considered bad and doubtful, and report the same to this House.

Mr. Field proposed to amend by attaching the following:

Resolved, That this House will not go into the election of any officer, whomsoever, until the standing and special bank committees shall have made their reports to this House, and that these resolutions are joint resolutions, and that the Senate be requested to concur herein.

Which was accepted by Mr. Gaines, and laid over until to-morrow, in the order of the day.

On leave given, Mr. Gibson introduced a bill to be entitled "an act for the relief of H. Haralson, late Clerk of the Supreme Court."

Which was read a first time.

When, on motion of Mr. Crutchfield, the rules of the House were dispensed with, and the bill read a second and third time, and passed, and was transmitted to the Senate, for their assent thereto.

Pursuant to notice, Mr. Hardwick introduced a bill to be entitled "an act to amend the 2d section of the 12th chapter of the Revised Statutes."

Which was read a first time and ordered to a second reading.

Pursuant to notice, Mr. Stout introduced a bill to be entitled "an act for the payment by the State of all expenses incurred after the conviction of any criminal."

Which was read a first time and ordered to a second reading.

Mr. Crutchfield offered the following:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of prescribing a time by law, within which deeds shall be recorded, and that they report by bill or otherwise.

On motion of Mr. Gibson, the orders of the day were taken up.

The resolution proposing that this General Assembly go into the election of Prosecuting Attorneys of the several judicial districts, was taken up and read.

When Mr. Roberts moved to lay it on the table indefinitely, and called for the ayes and nays on his motion; which were ordered, and the resolution laid on the table by ayes 57—nays 5.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Baines, Bizzell, Brazil, Blakemore, Burke, Collins, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Clyne, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hardwick, Hanly, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Franklin, Martin of Pulaski, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Roberts, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—57.

The members voting in the negative, are

Messrs. Byers, Bateman, Haynes, Houston, and Jeffrey—5.

The bill of the Senate entitled "an act for the relief of William Adams, special Sheriff of Johnson county," was read a first time.

When, on motion of Mr. McClain, the rules of the House were dispensed with, and the bill read a second and third time, and passed, and returned to the Senate with the assent of the House.

On motion of Mr. Roberts, the House adjourned.

November 16th, 1842.
Wednesday morning, 9 o'clock.

The House met pursuant to adjournment.

The Reverend W. W. Stevenson offered supplication to the Universal God, in solemn prayer.

Mr. Speaker appointed Messrs. Crutchfield, and Haynes, a committee on the part of the House, to act with such committee on the part of Senate, to receive bids from the several printers of this city, on publishing the resolutions, bills, and other printing required during the present session of this General Assembly.

Pursuant to notice, Mr. Gray introduced a bill to be entitled "an act authorising the administrator of Allen McVay, deceased, to convey certain lands."

Which was read a first time and ordered to a second reading.

Mr. Collins gave notice, that on the 22d instant, he would introduce a bill to amend the 150th chapter of the Revised Code, giving to county courts authority to grant privileges to build toll bridges.

Pursuant to notice, Mr. Martin of Pulaski, introduced a bill to be entitled "an act to prohibit the introduction and settlement of free negroes and mulattoes, in this State."

Which was read a first time and ordered to a second reading.

Pursuant to notice, Mr. Stewart of Clark introduced a bill to be entitled "an act to call in the scrip of Clark county."

Which was read a first time and ordered to a second reading.

The orders of the day were taken up.

Mr. Roberts' proposed amendment to the 16th section of the 6th article of the Constitution, was read a second time, and referred to committee on Judiciary.

Mr. Houston's resolution instructing our Senators and requesting our Representative in Congress, to use their influence in the Congress of the United States, to have refunded to General Andrew Jackson, the $1000 with interest from the time, in the year 1815, that the same was imposed on him as a fine, for subjecting New Orleans to Martial law, was read.

When Mr. Greenwood proposed to amend by adding "and that the Senate be requested to concur herein;" which amendment was accepted by Mr. Houston.

Mr. Gibson moved to lay the resolution on the table till the 1st March, 1844, and called for the ayes and nays, which were ordered, and the motion lost by ayes 20, nays 41.

The members who voted for the motion, are

Messrs. Byers, Bateman, Burke, Cook, Collins, Campbell, Cocke, Counts, Field, Finley, Gibson, Gaines of Chicot, Johnson, Llewellyn, Lemoyne, Marks, Martin of Franklin, McClain, Steuart of Desha, and Sullivan—20 ayes.

The members voting against the motion, are

Messrs. Arrington, Armstrong, Bizzell, Brazil, Blakemore, Conway, Crutchfield, Calvert of Saline, Calvert of St. Francis, Cline, Fancher, Flanagan, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Logan, Martin of Pulaski, Mayers, Miller, Milligan, Parks, Reeves of Crawford, Roberts, Roane, Robertson, Rust, Stewart of Clark, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—41 nays.

When Mr. Gibson proposed an amendment,

And as a United States Bank was deemed by said Andrew Jackson, while President of the United States, to be useful to the people, and convenient to the government, and that one might be established, which would obviate all constitutional objections; therefore, be they further instructed to use all fair and honorable means to procure the establishment of such an institution, with a branch in each State.

When Mr. Mayers moved to reject the amendment.

Mr. Roberts called for the ayes and nays, which were ordered, and the amendment rejected by ayes 42, nays 19.

The members voting for the rejection, are

Messrs. Arrington, Armstrong, Bizzell, Brazil, Blakemore, Conway, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Marks, Martin of Pulaski, Mayers, Miller, Milligan, McClain, Parks, Reeves of Crawford, Roberts, Roane, Robertson, Rust, Stewart of Clark, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—42 ayes.

The members voting for the adoption of the resolution, are

Messrs. Byers, Bateman, Burke, Cook, Collins, Cocke, Campbell, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Johnson, Llewellyn, Logan, Martin of Franklin, Peeler, Steuart of Desha, and Sullivan—19 nays.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed "a bill to be entitled an act concerning the limitation of actions," and respectfully ask the assent of the House thereto.

Mr. Field offered the following amendment to Mr. Houston's resolution.

Resolved, That our Senators be instructed, and our Representatives be requested to submit to no terms relative to the reimbursement of the fine of $1000 imposed upon General Andrew Jackson, that will be calculated to cast censure or obloquy on Judge Hall, who imposed the fine.

Mr. Gaines of Scott, moved to reject the amendment.

Mr. Field called for the ayes and nays, which were ordered, and the amending resolution was rejected by ayes 38, nays 24.

The members voting for the rejection, are

Messrs. Armstrong, Baines, Bizzell, Brazil, Blakemore, Conway, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Marks, Martin of Pulaski, Mayers, Milligan, Parks, Reeves of Crawford, Roane, Robertson, Rust, Stewart of Clark, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—38 ayes.

The members voting for the adoption, are

Messrs. Arrington, Byers, Bateman, Burke, Collins, Cook, Campbell, Cocke, Cline, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Johnson, Llewellyn, Logan, Martin of Franklin, Miller, McClain, Peeler, Roberts, Steuart of Desha, and Sullivan—24 nays.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body that the Senate has assented to and passed the bill of the House, entitled "an act supplimentary to an act to establish the county of Perry, more fully defining the boundaries of said county," and hereby respectfully return the same without amendment.

Mr. Brazil moved to adjourn at 40 minutes past 11 o'clock.

Mr. Roberts called for the ayes and nays.

Mr. Brazil withdrew his motion to adjourn.

On motion of Mr. Collins, a call of the House was made, when Messrs. Nott, Roane, and Hanly, were declared absentees without leave.

The doors of the Hall were closed and business suspended.

Mr. Collins asked that the House would re-consider the call, and proceed to business; whereupon, Mr. Gibson offered to amend the original resolution, and asked time to prepare his amendment, which was handed to the Clerk.

When, on motion of Mr. Roberts, the House adjourned.

November 17th, 1842.
Thursday morning, 9 *o'clock.*

The House met pursuant to adjournment.

The Rev. W. W. Stevenson opened the business of the day by prayer.

Mr. Cline presented a petition from several citizens of the town of Fayetteville, asking for relief from the labor law of the statutes concerning the improvements of roads, &c., which was read, and referred to a committee of five members, consisting of Messrs. Cline, Arrington, Stout, Blakemore, and Greenwood.

Mr. Jeffrey presented a petition from divers citizens of Izard county, asking a division of that county and the establishment of a new county, which was read, and referred to the standing committee on Counties and County Lines.

On motion of Mr. Robertson, the orders of the day were taken up.

The bill of the Senate, entitled "an act concerning the limitation of actions," was read a first time, and ordered to a second reading.

On motion of Mr. Field, ordered that the Clerk of the House be instructed to furnish 36 copies of the Revised Statutes, in addition of those already furnished.

Mr. Houston's resolution of yesterday, was now read; when Mr. Gibson withdrew his amendment.

On motion of Mr. Mayers, the previous question was now put.

Mr. Gaines of Scott, called for the ayes and nays, which were ordered; and the resolution adopted, by ayes 47—nays 15.

The members who voted in the affirmative, are,

Messrs. Arrington, Armstrong, Baines, Bizzell, Brazil, Blakemore, Conway, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Field, Fancher, Flanagan, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Logan, Martin of Pulaski, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Roberts, Roane, Robertson, Rust, Stewart of Clark, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—47.

The members voting in the negative, are,

Messrs. Bateman, Burke, Collins, Cook, Campbell, Cocke, Finley, Gibson, Gaines of Chicot, Llewellyn, Lemoyne, Marks, Martin of Franklin, Steuart of Desha, and Sullivan—15.

Mr. Crutchfield's resolution on the order of the business of the House, was taken up and read, and was adopted, and is as follows:

Resolved, That the business of this House shall be taken up in the following order, that is to say: As soon as the journal is read, the Speaker shall call for petitions from Counties, by calling out the Counties in alphabetical order.

2nd.—The petitions having been presented, and disposed of, reports, first from the standing, and then from the select committees, shall be called for, and disposed of.

3rd.—Resolutions shall then be called for, and disposed of, by the same rules which apply to petitions; provided, that no member shall offer more than one resolution, or series of resolutions, all relating to the same subject, until all the Counties shall have been called.

4th.—After one hour shall have been devoted to reports from committees and resolutions, or sooner, if the House shall deem fit, it shall be in order pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day; which being decided in the affirmative, the Speaker shall dispose of the bills, messages, and communications on his table, and then proceed to call the orders of the day.

When, on motion of Mr. Logan, 100 copies were ordered to be printed.

Mr. Miller's joint resolution of Thursday last, was taken up, and read and adopted, and is as follows:

Resolved, That our Senators be instructed, and our Representative is hereby requested, to use all their exertions to establish a fort somewhere between Fort Smith and the Missouri line; and the Senate is hereby requested to concur in this resolution.

And be it further resolved, That the Governor is hereby requested to forward this resolution to our Senators and Representative in Congress.

Bills on their second reading, were now taken up.

The bill of the House, entitled "an act to establish the County of Ouachita," was read a second time, and referred to a select committee, consisting of Messrs. Rust, Stewart of Clark, and Scott.

Bill of the House, entitled "an act to repeal the 97th and 98th sections of the 4th chapter of the Revised Statutes," was read a second time, and referred to the committee on the Judiciary.

Bill of the House, entitled "an act to repeal the 8th section of an act entitled an act defining the judicial circuits of this State, and prescribing the time of holding courts therein, and for other purposes," was read a second time, and referred to the committee on the Judiciary.

The bill of the House, entitled "an act to repeal the 11th section of the 94th chapter of the Revised Statutes, was read a second time, and referred to the standing committee on the Judiciary.

The bill of the House, entiled "an act to call in the scrip of Pope county," was read a second time, and ordered to be engrossed.

The bill of the House, entitled "an act to alter and change the law upon the subject of the powers and duties of justices of the peace in particular cases," was read and referred to the committee on the Judiciary.

The bill of the House, entitled, "an act to repeal the law now in force, regulating the sale of property under execution," was read a second time, and referred to the committee on the Judiciary.

The bill of the House, entitled "an act making certain appropriations," was read and referred to the committee on Ways and Means.

The bill of the House, entitled "an act to authorize the county court of Scott county to remove the records and offices from Boonville, the present county seat, to Winfield," was read a second time, and referred to the committee on Counties and County Lines.

The bill of the Senate, entitled "an act to amend the Statutes concerning free negroes and mulattoes," was read a second time, and referred to the committee on the Judiciary.

The bill of the House, entitled "an act to amend the 2d section of the 12th chapter of the Revised Statutes," was read a second time, and referred to the committee on the Judiciary.

The bill of the House, entitled "an act to pay all expenses of convicts, after conviction, in taking them to the jail and penitentiary house of this State," was read a second time, and referred to the committee on the Judiciary.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body that the Senate have adopted the following resolutions:

Resolved, That the joint resolution making certain standing committees joint, so far as it relates to the judiciary committee, be, and the same is hereby rescinded.

Resolved, That the House be requested to concur herein.

On motion of Mr. Conway, the House concurred in this resolution, and the Senate informed thereof by message.

The bill of the House, entitled "an act to call in the scrip of Clark county," was read a second time, and ordered to be engrossed.

The bill of the House, entitled "an act to prohibit the emigration and settlement of free negroes and mulattoes in this State," was read a second time, and referred to the committee on the Judiciary.

The bill of the House, entitled "an act authorizing the administrators of Allen McVay, deceased to convey certain lands," was read a second time, and referred to a select committee of three, consisting of Messrs. Gray, Miller, and Lemoyne.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed the following resolutions:

Resolved, That upon the concurrence of the House herein, we proceed to the election of Prosecnting Attorneys, and Judges of the Supreme and Circuit Courts for the several judicial districts of the State, on Saturday week next, and the concurrence of this House is respectfully requested herein.

On motion of Mr. Counts, the Senate's resolution was concurred in by the House, the and Senate informed thereof by message.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed the following resolutions:

Resolved, That the President of the Principal Bank of the Real Estate Bank of the State of Arkansas, be requested to lay before the General Assembly of the State of Arkansas, a full and correct report of the situation and condition of said Bank, stating the amount of its responsibilities, the amount of notes in circulation, the amount of notes and bills discounted and owing, the amount of its funds on hand, amount of deposits, the profits that have accumulated, and all other information touching the business of said Bank necessary to be laid before it, as required by the 32d section of the charter of the Real Estate Bank, or that he show cause to this General Assembly why he failed and still fails to lay said information before the General Assembly.

And also, have passed the following preamble and resolution:

Whereas, The joint committee on Banks are not informed what the will of this General Assembly is, whether the said committee should personally examine the Branches of the State Bank by themselves, or a sub-committee, or whether the said committee take as the basis of their report in reference to the Branches, the several reports of the President and Cashiers thereof, with the reports of the several examining agents,

Therefore, resolved, That a personal examination by said committee is inexpedient, and that said committee make a report as to said Branches predicated on the reports of the President and Cashiers of said Branches, with the report of the several examining agents, and from such other sources as the said committee may deem most practicable.

When Mr. Conway offered the following amendment, which was adopted by the House, and the concurrence of the Senate asked, the House concurring in the resolution as amended.

Be it further resolved, That if it shall appear at any time in the course of said examination and investigation, that any other or further examination will be necessary to a full report upon said Branches, or either of them, that said committee shall report the same for the further action of this legislature, and that the concurrence of the Senate is respectfully requested.

Mr. Greenwood gave notice that, on Monday, he would ask leave to introduce a bill entitled "an act to facilitate the recovery of personal property in certain cases."

On motion of Mr. Martin of Pulaski, the House adjourned.

NOVEMBER 18th, 1842.
Friday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. W. W. Stevenson officiated as Chaplain.

Mr. Mayers of Crawford, presented a petition from a large number of the citizens of the town of Van Buren, in the county of Crawford, asking that said town be incorporated.

Which was read, and referred to a select committee, consisting of Messrs. Mayers, Reeves of Crawford, Miller, Martin of Franklin, and Thompson.

Mr. Gibson of Hot Spring, presented a petition from a large number of the citizens of Hot Spring county, asking a division of that County.

Which was read, and referred to a committee, consisting of Messrs. Gibson, Marks, Calvert of Saline, Lemoyne, and Cook, with instructions to report by bill.

On leave given, Mr. McClain, of the committee on enrollments, reported the bills entitled, "an act supplementary to an act to establish the county of Perry, more fully defining the boundary of said county"—also, "an act allowing Sheriffs credit on the Auditor's Books, for taking the Census," were correctly enrolled.

Which were returned to the Speaker's table, and signed by him, and transmitted to the Senate, for the signature of the President.

Mr. Hanly, of the committee on Mr. Gibson's resolution, concerning the sale of certain State Bonds, on leave given, reported as follows:

The select committee appointed by ballot, under the resolution of Mr. Gibson, relative to the sale of certain State Bonds, referred to in said resolution, have been industriously engaged since the 12th inst., in the investigation of the subject matter referred to therein;

but have not yet completed their labors; they have therefore directed me, as their chairman, to request of the House further time to pursue their investigations, on the ground as alleged by one of the committee, that there is other important testimony not yet adduced; and further, they have directed me to say to the House, that the committee will be able to report fully by Monday next. All of which, is respectfully submitted.

On motion of Mr. Sullivan, the report was adopted; and further time granted to complete their investigation.

Pursuant to notice, Mr. Peeler of Arkansas, introduced "a bill to dispose of the 500,000 acres of land donated by Congress of the United States, to the State of Arkansas.."

Which was read a first time, and 100 copies ordered to be printed.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed by the Senate, to inform your honorable body, that the Senate have passed the following bill, to wit:

A bill to be entitled "an act to authorize Fleetwood Hanks, surviving administrator of the estate of Millender Hanks, deceased, to sell real estate, &c.;" and respectfully request the assent of the House thereto. Also, a bill to be entitled "an act for the relief of H. Haralson, late Clerk of the Supreme Court;" to which the assent of the House is respectfully asked.

Mr. Llewellyn of Chicot, gave notice that, on to-morrow, he would introduce "a bill in relation to the apprehension of runaway slaves."

Mr. Lemoyne of Conway, presented a petition from several citizens of Conway county, accompanied with a bill entitled "an act for the relief of settlers upon salt spring sections."

Which was read a first time, and ordered to a second reading.

Mr. Haynes of Conway, introduced a bill entitled "an act to call in the scrip of Conway county."

Which was read a first time, and ordered to a second reading.

Mr. Flanagan of Clark presented a proposed amendment to 4th section of the 6th article of the Constitution of the State, which was read and laid on the table for one day.

Mr. Rieves of Crittenden gave notice that, on Monday next, he would introduce a bill for the benefit of settlers on government lands.

On motion of Mr. Collins of Crittenden, ordered that the door-keeper, procure two stoves with pipes, and erect them in the Hall, as early as practicable.

Pursuant to notice, Mr. Miller introduced a bill entitled "an act to repeal the estray law of this State."

Which was read a first time and ordered to a second reading.

Pursuant to notice, Mr. Field of Hempstead introduced a bill entitled "an act to authorise the Judge of the 6th judicial circuit of this State, to order alterations and repairs to be made upon the Court House, in the counties comprising that circuit."

Which was read a first time and ordered to a second reading.

Mr. Roane of Jefferson, moved that the two Houses now go into the election of United States Senator.

Which motion was lost.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have concurred in the resolution of the House of Representatives, instructing our Senators, and requesting our Representative in Congress, to use every honorable means in that body, to refund to General Andrew Jackson, the sum of $1000 with interest from 1815, the date of a fine imposed on him for subjecting New Orleans to Martial law.

The Senate have also concurred in the resolution of this House, "that our Senators be instructed, and our Representative requested to use all their exertions to establish a fort somewhere between Fort Smith and the Missouri line, and that the Governor is hereby requested to forward this resolution to our Senators and Representative in Congress.

And also, that the Senate have concurred in the following amendment from the House to the resolution of the Senate, declaring it to be inexpedient that a personal examination of the several branch banks by the committee on banks be made, &c. to wit:

Be it further resolved, That if it shall appear at any time in the course of the examination, by the said committee, that any other, or further investigation will be necessary to a full report upon said branches, or either of them, that said committee shall report the same for the further action of this legislature.

Pursuant to notice, Mr. McClain of Johnson, introduced a bill to abolish capital punishment.

Which was read a first time and ordered to a second reading.

Mr. Gray, of Johnson, offered the following preamble and resolution:

Whereas, the select committee of the House, appointed by ballot, for the purpose of making certain investigations under the resolution of Mr. Gibson, have not been able to complete their labors in a manner satisfactory to the whole committee, for want of sufficient time, therefore,

Be it resolved, That the joint resolutions of the two Houses, agreeing upon this day to go into the election of a United States Senator, be, and the same is hereby rescinded; and that Monday next, at 12 o'clock M., be the hour appointed for said election; and that the two Houses meet at that time, and proceed therein; and that the Senate be requested to concur herein.

Which was adopted; and the Senate informed thereof, by message.

Mr. Nott of Lafayette, offered the following preamble and resolution:

Whereas, the subject of education should engage our most serious attention and maturest deliberations; and whereas, we should feel it our duty to seek its lights from any and every source, therefore,

Resolved, That a committee of three be appointed to wait upon Right Reverend Bishop Otey, on his return to this place, and request him to deliver to this Legislature, a lecture on education.

And be it further resolved, That the committee be authorised to tender to the Right Reverend Bishop Otey, the use of this Hall, on any day that he may name, and that the committee be further authorised to invite the Senate to attend on that day.

Which was adopted.

Messrs. Nott, Cocke, and Hanly, were appointed as such committee.

Pursuant to notice, Mr. Milligan of Lawrence introduced a bill entitled "an act to prevent persons from setting fire to the woods, and for other purposes."

Which was read a first time and ordered to a second reading.

Mr. Campbell of Searcy proposed the following resolution:

Resolved, That the Secretary of State be, and he is hereby required to separate and arrange all laws which may be passed during the present session, of a general or public character, from those of a private or local nature, so that the former may appear first in the acts, and the latter, second.

And be it further resolved, That no law passed of a general or public nature, during this session, shall be amended with a law of a private or local nature, nor shall any law of a private or local character be amended with a law of a general or public nature, and that the Senate be asked to concur herein.

Which was read and laid on the table for one day.

Mr. Roberts of Marion, presented a preamble and joint resolution, concerning the Salt Springs in Van Buren county.

Which was read and laid on the table for one day.

Mr. Finley of Mississippi, submitted a joint Resolution relative to the boundary line between Missouri and the State of Arkansas.

Which was read and laid on the table for one day.

Mr. Robertson of Poinsett, gave notice that, on Tuesday next, he would introduce a bill to repeal the 130th section of the 87th chapter of the Revised Statutes, under the head of Justices of the Peace, and for other purposes.

Pursuant to notice, Mr. Logan of Pope introduced a bill entitled "an act to change the time of holding elections in this State, and for other purposes."

Which was read a first time and ordered to a second reading.

On motion of Mr. Crutchfield of Pulaski, Mr. Llewellyn and Mr. Marks were added to the standing committee on internal improvements and apportionments.

Pursuant to notice, Mr. Wiley of Randolph introduced a bill to be entitled "an act to change the time of holding general elections."

Which was read a first time and ordered to a second reading.

Mr. Calvert of Saline introduced a bill to be entitled "an act to suppress the practice of betting upon elections."

Which was read a first time and ordered to a second reading.

Mr. Brazil of Saline, proposed a memorial to the Congress of the United States, asking for a law to dispose of the sixteenth sections or school lands.

Which was read and laid on the table for to-morrow.

Mr. Sullivan of St. Francis, introduced a bill to be entitled "an act to call in the scrip of St. Francis county."

Which was read a first time and ordered to a second reading.

Mr. Gaines of Scott gave notice that he would, on Monday next, introduce a bill to establish a road from the Missouri line, through Batesville, Fayetteville, and Washington, in Hempstead county, to the Louisiana line, in a direction of Shreeveport in that State.

On motion of Mr. Counts of Van Buren, ordered that the Clerk of the House procure the printing of the joint rules of this General Assembly, sufficient to supply each member of the House.

On motion of Mr. Cline of Washington, Mr. Greenwood, and Mr. Blakemore, were added to the standing committee on apportionments.

Mr. Blakemore of Washington, gave notice that, on Saturday next, he would ask leave to introduce a bill for the purpose of amending the 30th chapter of the Revised Statutes, on roads and highways, and for other purposes.

Mr. Mayers of Crawford, introduced a memorial to the Congress of the United States, asking for an appropriation of one hundred thousand dollars, to be used in completing the military works at Fort Smith.

Which was read and laid on the table for one day.

Pursuant to notice, Mr. Parks introduced a bill entitled "an act to prohibit the issuing and circulation of change tickets."

Which was read a first time and ordered to a second reading.

On motion of Mr. Counts, the House adjourned.

NOVEMBER 19th, 1842.
Saturday morning, 9 o'clock.

The House met pursuant to adjournment.

The Reverend W. W. Stevenson offered prayers.

Mr. Greenwood moved to rescind the order of the House, instructing the Clerk to put up two stoves in the Hall; which motion was lost.

Mr. Campbell, of the committee on agriculture, to whom was referred the bill of the House, entitled "an act authorising the sale of merchandise in certain cases," on leave given, reported the same back to the House, with amendments, by striking out all after the enacting clause, and inserting a new bill of the same title.

Which was adopted.

Mr. Rust, of the committee to whom was referred the bill entitled "an act to establish the county of Ouachita," on leave given, reported the same back to the House, without amendment: which was adopted.

Pursuant to notice, Mr. Peeler introduced a bill to be entitled "an act to fix the salaries of Prosecuting Attorneys."

Which was read a first time, and ordered to a second reading.

Mr. Greenwood of Benton, gave notice, that on Saturday next, he would ask leave to introduce a bill entitled "an act to regulate the trial of claims to property levied upon by execution."

Pursuant to notice, Mr. Llewellyn of Chicot, introduced a bill to be entitled "an act concerning runaway slaves."

Which was read a first time, and ordered to a second reading.

On motion of Mr. Haynes of Conway, Mr. Lemoyne was added to the committee on apportionments.

Mr. Stewart of Clark, offered the following:

Resolved, That the committee on education, be instructed to take into consideration the propriety of giving the several townships in this State, the power by law to bring into lease, the 16th section in each township in this State, which the general government has donated to this State for school purposes, and report by bill, or otherwise.

Which was adopted.

Mr. Flanagan of Clark, presented a memorial to the Congress of the United States, asking for an appropriation and law authorising the erection of more fortifications on the frontier of the State of Arkansas.

Which was read, and laid on the table for one day.

Mr. Jeffrey of Izard, gave notice that he would, on Thursday next, introduce a bill to be entitled "an act to establish Fulton county."

On motion of Mr. Roane of Jefferson, Messrs. Hanly and Conway, were added to the committee on apportionments.

Mr. Humphrey of Lawrence, gave notice that he would, on Tuesday next, introduce "a bill calling in all the branches of the bank, and putting the whole institution into liquidation."

Mr. Milligan of Lawrence, gave notice that, on Monday next, he would ask leave to introduce a bill entitled "an act for the branching of the Supreme Court, &c."

Pursuant to notice, Mr. McClain of Johnson, introduced a bill entitled "an act calling in the scrip of Johnson county."

Which was read a first time, and ordered to a second reading.

On motion of Mr. Vaughan of Madison, Mr. Roberts of Marion, was added to the committee on the Judiciary.

Pursuant to notice, Mr. Campbell of Marion and Searcy, introduced a bill to be entitled "an act to repeal an act to encourage the killing of wolves in this State."

Which was read a first time, and ordered to a second reading.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed by the Senate, to inform your honorable body, that the Senate have passed a bill to be entitled "an act to extend the laws on the subject of writs of error under the title 'Practice in the Supreme Court,' Revised Code chapter 117," with the following amendment: strike out after the word "*Chancery*," the words "*or Courts of Equity;*" and the assent of the House is respectfully asked: when the bill was read a first time, and ordered to a second reading.

Mr. Roberts of Marion, gave notice that he would, some time during the session of the legislature, introduce a bill for the relief of J. B. Everette.

Mr. Hanly of Phillips gave notice that, on Friday next, he would introduce a bill entitled "an act to sever the office of sheriff and assessor, sheriff and jailor, sheriff and public administrator, in the county of Phillips," and for other purposes.

On motion of Mr. Crutchfield of Pulaski, Messrs. Cook and Waters were added to the standing committees on Agriculture and Internal Improvements.

Mr. Martin of Pulaski, gave notice that, on Tuesday next, he would introduce a bill entitled "an act to change the manner of disposing of fines and penalties imposed for offences committed within the city of Little Rock," and for other purposes.

Mr. Wiley of Randolph, gave notice that, on Wednesday next, he would ask leave to introduce a bill to call in the scrip of Randolph county, and for other purposes.

Mr. Houston of Randolph, presented a memorial to the Congress of the United States, asking for a donation to complete the Military Road leading from Red River to the Missouri line, which was read, and laid on the table for one day.

Pursuant to notice, Mr. Calvert of Saline, introduced a bill to be entitled "an act relating to overseers of roads in the county of Saline," which was read a first time, and ordered to a second reading.

On motion of Mr. Brazil, Mr. Milligan was added to the committee on Counties and County Lines.

Mr. Gaines of Scott, gave notice that he would, on Wednesday next, introduce a bill to prevent county courts from dividing townships of counties, unless a majority of the citizens of said township shall petition for such division.

On motion of Mr. Armstrong, Mr. Humphrey was added to the committee on Counties and County Lines.

On motion of Mr. Scott, Mr. Jeffrey was added to the committee on Counties and County Lines.

Mr. Calvert of St. Francis, offered the following:

Resolved by the House of Representatives, That the several clergymen that occupy Representative seats in this House be, and they are hereby invited to preach in the Representative Hall, each Sabbath, at 3 o'clock, P. M., during the continuance of the present session, in such successive times as may be agreed upon between themselves.

Which was read and adopted.

Mr. Sullivan of St. Francis, gave notice that, on Wednesday next, he would ask leave to introduce a bill to be entitled "an act to repeal the 80th chapter of the Revised Statutes of Arkansas."

Pursuant to notice, Mr. Counts introduced a bill to be entitled "an act to lay off and establish a State road from from Little Rock to intersect the Jefferson City State road at the Missouri line;" which was read a first time and ordered to a second reading.

Pursuant to notice, Mr. Arrington of Washington introduced a bill to be entitled "an act to facilitate the collection of debts, by providing an easy mode of instituting and conducting suits at law founded on writing obligatory, bills of exchange and promissory notes," which was read a first time, and ordered to a second reading.

Pursuant to notice, Mr. Blakemore of Washington, introduced a bill to be entitled "an act to repeal the 30th chapter of the Revised Statutes of Arkansas," and for other purposes, which was read a first time, and ordered to a second reading.

Mr. Cline of Washington, gave notice that, on Tuesday next, he would introduce a bill to compensate settlers on the sixteenth sections for improvements made on them before said sections were surveyed.

On motion of Mr. Stout of Washington, Mr. Milligan was added to the committee on Apportionments.

Mr. Cook of White, gave notice that, on Tuesday next, he would introduce a bill to improve the navigation of Little Red river.

Mr. Logan of Pope, offered the following:

Resolved, That a committee of five be appointed to take into consideration the necessity and expedience of adopting a relief law, with instructions to report thereon.

Which was adopted, and referred to a committee of five; whereupon, Mr. Speaker appointed Messrs. Logan, Johnson, Cline, Armstrong, and Houston, as such committee.

The orders of the day were now taken up.

The bill of the Senate, concerning the limitation of actions, was read a second time, and referred to the committee on the Judiciary.

The bill of the House entitled "an act to repeal and amend so much of the act entitled 'Estrays,' in the Revised Statutes, approved March 3d, 1838," was read a second time, and referred to the committee on the Judiciary.

The resolution of the House proposing an amendment to the 4th section of the 6th article of the Constitution of the State of Arkansas, was read a second time, and referred to the committee on the Judiciary.

The bill of the House entitled "an act to call in the scrip of Conway county," was read a second time, and ordered to be engrossed for the orders on Monday.

The bill of the House entitled "an act for the relief of settlers upon salt spring sections," was read a second time, and referred to the committee on Salt Springs.

The bill of the House entitled "an act authorizing the circuit judge of the 6th judicial district to repair the several court houses in that circuit," was read a second time and referred to the committee on the Judiciary.

The bill of the House entitled "an act to dispose of the 500,000 acres of land donated by the United States to the State of Arkansas for internal improvements," was read a second time, and referred to the committee on Internal Improvement.

The bill of the House entitled "an act to abolish capital punishment," was read a second time, and referred to a committee of three, consisting of Messrs. McClain, Greenwood, and Finley.

The bill of the House entitled "an act to prevent persons from setting fire to the woods and prairies," and for other purposes, was read a second time, and referred to the committee of three, consisting of Messrs. Milligan, Hardwick, and Brazil.

The joint resolution from the House concerning the improvement and use of the salt springs in Van Buren county, was read a second time, and referred to the committee on Internal Improvements.

The joint resolution from the House concerning the boundary line between the State of Arkansas and Missouri, was read a second time, and referred to a committee of four, consisting of Messrs. Finley, Collins, Cook, and Robertson.

Mr. Crutchfield of Pulaski, entertained the following:

Whereas this House has heretofore instructed the Doorkeeper to procure and erect two stoves in the Hall of Representatives, he, therefore, would move that the House now adjourn till Monday next, at 11 o'clock A. M.

So the House adjourned.

November 21st, 1842.
Monday morning, 11 *o'clock.*

The House met pursuant to adjournment.

The Rev. W. W. Stevenson opened the House by prayer.

Communication extra, from the Senate:

Senate Chamber,
Little Rock, *Nov.* 21*st*, 1842.

To the Speaker of the House of Representatives
of the General Assembly of Arkansas:

Sir—In compliance with instructions from the Senate, I have the honor herewith, to enclose you a copy of resolutions this day adopted by that body.

Whereas, it has been communicated to the Senate, that an All Wise Providence has been pleased to take from his county, our esteemed friend, Andrew Jackson Greer, Senator elect from the counties of Crittenden and Mississippi, on Monday last, at his own residence, therefore, *Be it resolved*, That we deeply deplore the melancholy event which has deprived us of one of our members, and our country of one of its most useful citizens.

Resolved, That we respectively tender to the family of the deceased, our sincere regret and sympathies for the afflicting bereavement which has fallen upon them by the death of the esteemed head of their house; that in his decease, not only his family has suffered an irreparable loss, but the country at large has lost one of its brightest ornaments; a valuable public officer; and an honest and upright man.

Resolved, That in testimony of our respect for the memory of our deceased friend, we will adjourn, and wear the usual badge of mourning on the left arm for thirty days.

Resolved, That the newspapers in this State, and in Columbia, Tennessee, be requested to publish the foregoing.

Resolved, That a copy of the proceedings of the Senate be transmitted to his family.

Very respectfully,
Your ob't. serv't.
J. WIDGERY, *Sec'y. Senate.*

On motion of Mr. Collins of Crittenden, the House concurred in the resolutions of the Senate; of which the Senate was informed by message.

On motion of Mr. Collins,

Ordered, A suspension of business this day; and adjourned until 9 o'clock to-morrow.

NOVEMBER 22nd, 1842.
Tuesday morning, 9 *o'clock.*

The House met pursuant to adjournment.

The Rev. W. W. Stevenson officiated as Chaplain.

On motion of Mr. Humphrey, leave of absence was granted Mr. Wiley of Randolph, on account of indisposition.

Mr. Armstrong of Sevier, presented a petition from several citizens of Hempstead county, asking that a certain portion of said county therein described, be added to the county of Sevier.

Which was read, and referred to the committee on counties and county lines.

Mr. McClain, of the committee on enrollments, on leave given, reported that the bill entitled "an act for the relief of H. Haralson, late Clerk of the Supreme Court of this State, was correctly enrolled," which was now presented to the Speaker for his signature, and transmitted to the Senate by message, for the signature of the President of that body.

Mr. Cocke, of the standing committee on the Judiciary, on leave given, reported the bill of the House, entitled "an act to repeal the

11th section of the 94th chapter of the Revised Code, with an amendment substituting the second section."

Which was read.

Mr. Counts, of the select committee, to whom was referred the bill to be entitled "an act to repeal the 20th section of the 39th chapter of the Revised Statutes, on leave given, reported the same to the House by substitute.

Which was read.

Mr. Gray, of the committee, to whom was referred the bill of the House, entitled "an act authorising the administrator of Allen McVay, deceased, to convey certain lands, on leave given, reported the same to the House without amendment.

Mr. Hanly of Phillips, of the committee elected to investigate the sale of certain State bonds, and the conduct of certain individuals in regard to the sale of said bonds, on leave given, reported as follows:

The committee to whom was referred the subject matter of two resolutions of Mr. Gibson, instructed me to report:

That in pursuance of said resolutions, they have been sedulously engaged in the investigation of the facts and matters contemplated therein, since the 12th inst., and have the honor to lay before this body, the result of their deliberations, and in doing so, they beg leave to express their individual thanks, to John H. Crease, Esq., Cashier of the Principal Bank of the State, for the merrited attention which they received from him during the protracted investigation of the complexed subjects referred to therein; the committee in stopping to notice this fact, do so, not with a view of complimenting Mr. Crease, but to discharge what they conceive to be, a duty imposed on them by every consideration of justice; for much of the information which is herewith laid before this body, has been derived from Mr. Crease, and through his polite co-operation with the committee, without noticing further any matter not immediately connected with the subjects of enquiry, the committee will proceed to their solution, in the order in which they are prescribed in the resolutions under which they act; and in doing so, they will endeavor to be as brief and intelligible as the facts and complicated circumstances will permit.

First, then, as to the "number and amount of the bonds of the State which were disposed of to the Secretary of war, and by whom sold."

The committee are informed that sometime in, or during the early part of the spring of 1837, Capt. Jacob Brown was deputed, or commissioned in behalf of the bank of the State of Arkansas, to negotiate the 5 per cent. State bonds, issued to that institution, and with that view proceeded eastward. On arriving in Washington city, he immediately advised the bank *here* that he had effected a negotiation of 300, equal to $300,000, with the Secretary of War, and recommended that should be immediately remitted. The State Bank when advised of this fact, without delay appointed Mr. James DeBaun of this city, *charged* for the purpose of bearing the bonds thus negotiated by Capt. Brown; but to his astonishment when he arrived in Washington City, he ascertained that the Secretary was only prepared to pay for a portion, one hundred, equal to one hundred thousand dollars, and was forced to the alternative of bringing the residue, two hundred, back with him, or else to leave them on deposit in some one of the banks of that city, the latter of which, it seems from the evidence before the committee, he elected to do. So soon as the objects of Mr. DeBaun's mission had been accomplished, he returned to this place, and without delay accounted to the bank for the one hundred 5 per cent. State bonds, equal to one hundred thousand dollars, delivered by him to the Secretary of War, under the negotiation of Capt. Brown, before stated in the kind of funds received by him, all of which will more fully and at large appear by reference to the accompanying exhibit, marked (A. and B. No. 1.) By order of the board of directors of the principal bank, under date 18th of December, 1837, Col. Ambrose H. Sevier was appointed commissioner for that institution, to deliver such other of those two hundred 5 per cent. State bonds, deposited in the bank of Washington, as before stated by Mr. DeBaun, as the Secretary of war might be prepared to pay for under his contract made with Capt. Jacob Brown; accordingly by reference to the cash book, and the entries thereon made on the 20th February, 1838, Col. Sevier delivered fifteen other of those State bonds to the Secretary of War; on the 1st January, 1838, the balance, fifteen thousand dollars, leaving the residue of the two hundred State bonds on deposit in the bank of Washington; he on said 20th of February, 1838, accounting to the bank for the fifteen 5 per cent. State bonds, thus delivered by him in the manner and in the kind of funds designated in the accompanying exhibit marked (B. No. 2.) In the month of March, 1839, the precise time in said month has not been exactly ascertained by the committee, Col. Ambrose H. Sevier, and William S. Fulton, were by order of the principal board appointed agents to act jointly, or seperately for that visitation for the further disposition of those bonds; and during that month they jointly delivered to the Secretary of War 24, after remaining one hundred and eighty-five 5 per cent. State bonds, equal in value to twenty-four thousand dollars, fourteen thousand dollars of which was paid by them to the bank of the State of Arkansas, in certificates of deposit as designated and shown in the accompanying exhibit marked (D. No. 1.) the residue of which ten thousand dollars, was settled by Col. Sevier with the bank *here*, in the manner designated and shown in the accompanying exhibit marked (D. Nos. 2 and 3.) and in the kind of funds therein specified at the several times therein stated. It must be borne in mind, however, the committee are satisfied by evidence in relation thereto, that Col. Sevier at the time he received the ten thousand dollars last referred to above, was in the City of Washington, in the discharge of a public duty, as one of the Senators in Congress from this State, and was prevented thereby from making payment thereof in the bank *here* at an earlier a day than about the 10th of May, he not having returned until that time; the committee wish it borne in mind, also, that Col. Sevier had been instructed by the bank from which he derived his authority as agent or commissioner to retain his ten thousand dollars in his possession until his return to Arkansas, so as to save the bank the necessity of sending a special agent for it. At the time of his arrival then, in this city, say on the 10th May, 1839, Col. Sevier's individual cash account in the principal bank of the State, as evidence, and shown by the testimony adduced before the committee, as well as by the accompanying exhibit, marked (D. No. 2.) was twelve thousand and four 94-100 dollars, which embraced the amount received by him, (ten thousand dollars) in Washington City, as part of the consideration money for the twenty four 5 per cent. bonds delivered by himself and Gov. Fulton, to the Secretary of War, as before stated; but the ten thousand dollar charge, together with the incidental charges connected therewith, were not fairly made and carried to his individual cash account until the 6th of September (1839,) following, when not only that but the sum of eleven hundred and eighty 58-100 dollars for interest thereon, on his private cash account, as well as for interest due on the ten thousand dollars, as aforesaid, from the time it came into his hands to that date; and also two hundred and fifty dollars for difference in exchange between this place and Washington City, where he received it, at the rate of two and a half per cent., were severally carried to his individual cash account, making his cash debit, then adding his prior private cash debit ($1374 26-100) due before the bonds were delivered, and consequently before Col. Sevier was chargeable with said $10,000; the sum of twelve thousand and four 94-100 dollars as before stated. This amount as cash debit was discharged by Col. Sevier at different days and times between the 18th of December, 1838, and the 12th of Sepetmber, 1839, when the final settlement before alluded to was made with checks on, and issues of the Real Estate Bank and her branches, and those of the bank of the State and her branches, as is shown at large by reference to accompanying exhibit marked (D. No. 3.)

No order has been discovered on the minutes of either the general or local boards of the bank of this State, authorising or requiring the Cashier to carry this charge of ten thousand dollars as aforesaid, to the individual account of Col. Sevier; it is the opinion of the committee, that it was done to distinguish it so as to prevent any liability on the part of Gov. Fulton, it having before that time been charged to them (Col. Sevier and Gov. Fulton,) jointly, as the original transaction before stated, was joint; this, however, the committee only give as conjecture, the evidence being silent on the subject. But let this be as it may, there exists no circumstances to induce the committee to believe that it was not done in perfect good faith, and without the slightest evidence of any solicitation on the part of Col. Sevier; for it is very certain if any thing fraudulent had been intended by the Cashier, precautionary means would have been adopted by him to have prevented discovery and detection by the general or local boards. The whole transaction stands in bold relief on the various books of the bank, evidencing clearly to the mind of the committee, that if what *was* without precident on the part of the Cashier, it was done in good faith and all candor. Col. Sevier's entire cash account was settled up to the 12th September, 1839, as will be discovered by reference to the before mentioned accompanying exhibit marked (D. No. 3, & C.,) prior to the suspension of specie payments by the bank of this State, in the month of November, 1839, (were two months after said settlement.) At that time, the issues of the two banks of this State, were received every where within the State, as equivalent to coin, for the very evident reason that they could be very readily converted into coin, by presentation at the bank issuing them. There was consequently, no intrinsic difference in value between the issues of the principal bank, and their respective branches; for they were all alike convertable into specie when presented. If there was any difference in the estimated value of the issues of the principal banks and their respective branches, it must have proceeded from the fact that at this place, the principal banks were alone located, and the issues of the branches could not be converted *here* into coin, as the committee are advised by evidence herewith submitted, that the principal banks were not in the habit of redeeming with specie the issues of their branches; and so *vice versa*. It has, however, been stated to the committee, by one of the witnesses, whom they examined on the subject, that there was at all times, prior to the suspension of specie payments by the banks of this State, in November, '39, a difference in the value of the issues of the principal banks, and those of their respective branches in this city, of from 3 to 5 per cent. in favor of the principal banks; but that the branches issues were invariably received at par in payment and liquidation of debts, and for all the purposes of domestic currency. The committee apprehend that the same difference would exist in favor of the branches issues in the vicinity of their several locations, for the very reason assigned before, to wit: the convenience of controvertability. If there had been any just cause of difference of value between the issues of the principal banks and their branches, so far as regards their appreciation, that difference should never have exceeded the cost of transportation of the precious metal, and the necessary expenses incident to the travel required to effect a change or exchange, which, under no circumstances, could have exceeded ¼ to 1 per cent., dependant upon the amount and distance of travel.

It is in evidence before the committee, all of which is hereunto submitted, that the amount of Col. Sevier's indebtedness to the bank on the day of final settlement of his individual cash account before referred to, was twelve thousand and four 94-100 dollars; and that *that* amount was finally paid off on that day, in a manner recognized by the bank, as entirely satisfactory, and with such funds as were by her regarded as of sufficient value therefore.

No censure therefore, can attach to Col. Sevier, nor can those with whom the settlement was made, be censured in the slightest degree; for it is very certain that if Col. Sevier had chosen, instead of paying into bank in liquidation of his debt, the issues of the principal banks and their branches, to have presented their issues to the respective counties from which they eminated, and demanded the specie therefor, and then have liquidated his debt with the coin thus acquired. Would such a course have been more beneficial to the bank than the one which was pursued? It certainly will not be contended for a moment, that it would; for it must be evident to every reflecting mind, that the bank thereby would have been precluded from realizing the two and a half per cent., which was paid by Col. Sevier as premium in exchange. Suppose Col. Sevier had selected to have pursued this course, would he not have saved to himself according to the most liberal calculations, at least one and a half per cent.? for it would not have been required to convert a sum so large as the one he then owed to the bank, into specie coin, if he had had the issues of all the branches of the principal bank, more than one per cent. It might be urged moreover, as an objection to this opinion of the committee, that the mode pursued by the bank in suffering Col. Sevier to liquidate his debt with the issues of the several branches of this State, ten thousand dollars of which, was a part of the capital stock of said bank unprecedented and suicidal. But the committee cannot see that she could have acted otherwise, and have protected her interests. The only objectionable feature discoverable to the committee in the whole transaction, is the bare fact of a want of promptness, which might be ascribed to Col. Sevier, in paying over to the bank the ten thousand dollars received by him in Washington City, which it seems was in part withheld from the 10th of May, the supposed time of his return, until the 12th of September, near seven thousand dollars of which, was however, paid over, prior to, and on the 3rd day of June. But from the accompanying exhibit, marked (D. No. 3, & C.,) as well as from the testimony of Mr. Crease, herewith submitted, it will be discovered that Col. Sevier was charged in his final settlement, on the 12th of September, with the usual bank interest, on the amount detained by him, until full payment, the bank is not certainly the looser, by this seeming want of promptness on the part of Col. Sevier, for she was receiving her usual rates of interest, whilst it remained in his hands. The foregoing, would preclude the idea of Col. Sevier having attempted to pay or secure the bank, in the amount of his indebtedness in any other mode than the one already stated. It is, nevertheless, true, from the various testimony which the committee had before them, and which they herewith submit, that Col. Sevier did offer, on the 21st of May, 1839, two notes drawn by F. W. Trappall and J. J. Clendennin, amounting to the sum of fifteen hundred dollars, to the local board for discount. There has been no evidence, however, that this was intended, if discounted to be offered in liquidation of the amount which he, at that time, owed the bank. The application for discount, was in the usual and ordinary course of business; and if intended for other purposes, the committee are unadvised on the subject.

The other remaining 5 per cent. State bonds, which, as before stated, were delivered to the Secretary of War on the 31st day of August, 1839, by the Cashier of the bank of Washington, in whose possession they had been left, together with the 154, the remaining portion of the 300 deposited with said bank by Mr. DeBaun, in 1837, and were in time accounted for to the bank of the State, as by entry in cash book under date 5th October, 1839, at which time a certificate of deposit for their amounts, was remitted on the bank of Washington.

The residue of the 300 5 per centum State bonds deposited, as aforesaid, in the bank of Washington by Mr. DeBaun, in number 154, as the committee are informed, are still in the possession of that institution, subject to be delivered up whenever the conditions of their negotiations are complied with on the part of the Secretary of War.

In regard to the other branch of the enquiry suggested in the resolution of Mr. Gibson, pertaining to the sale of certain State bonds to Col. Richard M. Johnson, the committee will truly say that the number purchased by Col. Johnson is thereby equal to thirty thousand dollars, and that although Col. Sevier and Gov. Fulton were severally authorized to make the sale jointly, or severally, Gov. Fulton alone participated in it for the reason said to have been assigned by Col. Sevier, that he and Col. Johnson were connected. For further information on the other branches of this subject, the committee would respectfully refer to the accompanying exhibit marked E, as it contained a full and complete response to all the enquiries contemplated by the resolution of Mr. Gibson.

In conclusion, the committee would beg leave to say, that from the very thorough examination they have been able to give to the subjects referred to them, found no fact which could in the slightest degree reflect discredit either upon the private or public character of Col. Sevier, but to the contrary, they are fully satisfied that the agency which he and Gov. Fulton had in the before mentioned State bonds, resulted more favorably to the institution for which they issued them, than possibly any others which have come to the knowledge of the committee; in consideration whereof, the committee would respectfully recommend to this honorable body the adoption of the following resolution:

Resolved, That there is nothing reflecting on the moral integrity, honesty, and probity of Col. Ambrose H. Sevier in the above report, and that both he and Gov. William S. Fulton are entitled to the thanks of the people of this State, for the several offices which they respectively performed in the sale and negotiation of the above mentioned bonds.

When Mr. Gibson called for the ayes and nays on the adoption of the report, which were ordered, and the report adopted by ayes, 57 —nays 6.

The members who voted for the adoption of the report are

Messrs. Arrington, Armstrong, Baines, Bizzell, Brazil, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Flanagan, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Logan, Lemoyne, Marks, Martin of Pulaski, Mayers, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane Robertson, Rust, Stewart of Clark, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, and Mr. Speaker—57.

The members who voted against the adoption, were

Messrs. Byers, Bateman, Gibson, Gaines of Chicot, Martin of Franklin, and Steuart of Desha—6.

The resolution accompanying the report was laid on the table until day after to-morrow.

Mr. Cocke, of the committee to whom was referred the bill of the House entitled "an act to repeal the latter clause of the 14th section of the 128th chapter of the Revised Statutes," on leave given, reported the bill back to the House with amendment, and recommended the passage of the same to the House, which report was received.

Message from the Governor, by his private Secretary, R. W. Johnson, returning to the House the following bills with his Excellency's signature in approval:

"An act allowing sheriffs credits on the auditor's books, for taking the census;"

"An act supplementary to an act entitled an act to establish the county of Perry, more fully defining the boundary line of said county," which was received and the above acts transmitted to the Secretary of State.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed the following bills:

"An act to incorporate the Bethesda Academy;"

"An act to repeal the 2d and 3d sections of the 155th chapter of the Revised Statutes, under the head of *Venue*," and the assent of the House is asked therein.

And also the Senate have passed

The bill entitled "an act to authorize the sheriff of Washington county to collect certain taxes due said county, remaining uncollected by the late sheriff of said county," to which the assent of the House is also asked.

On motion of Mr. Roane, the rules of the House were dispensed with, and leave given him to introduce the following:

Resolved, That the two Houses of this General Assembly proceed to the election of a United States' Senator on this day, at one o'clock, and that the Senate be requested to concur herein.

The resolution was adopted, and the Senate informed thereof by message.

Mr. Field asked leave to report from a select committee, raised to investigate matters in the Real Estate Bank, relative to Mr. Sevier's acting as agent in the sale of some State bonds for that bank, which was not granted him by the House, he being unprepared to report in full, with instructions from the whole committee; whereupon, he asked that the committee be excused from reporting at all, which was granted; when

Mr. Calvert of Saline, upon more mature consideration, moved to re-consider last carried motion of the House, and the vote being put, the last motion excusing said committee from reporting, was re-considered, and further time allowed them to complete their investigation.

Mr. Cocke moved that the papers prepared as a report be read for the information of the House; and the ayes and noes were called for, and ordered on the question, and before the question was put, a

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate has concurred in the resolution of the House, to go into the election of United States' Senator this day, at one o'clock.

On motion of Mr. Roberts, the House now went into a recess for the purpose of preparing the Hall for the reception of the Senate.

One o'clock, P. M.

The hour now having arrived, the Senate were informed thereof, and invited to seats inside the bar of the House, and when there seated, the General Assembly proceeded to the election of United States' Senator.

Mr. Speaker announced that nominations were in order, whereupon,

Mr. Martin of Pulaski, nominated Ambrose H. Sevier.

Mr. Byers of Independence, nominated Albert Pike.

And no other nominations being made, the Secretary of the Senate proceeded to call of that body, from which it appeared that Ambrose H. Sevier received eighteen votes; two votes scattering.

When the Clerk of the House proceeded to the call of the House, by which it appeared that Ambrose H. Sevier received 53 votes.

Albert Pike 9 votes; and one scattering.

The members voting for Ambrose H. Sevier, are

Messrs. Arrington, Armstrong, Baines, Bizzell, Brazil, Blakemore, Burke, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Counts, Cline, Calvert of St. Francis, Field, Fancher, Finley, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Marks, McClain, Nott, Martin of Pulaski, Mayers, Miller, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Stewart of Clark, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, and Mr. Speaker—53.

The members voting for Mr. Pike, are

Messrs. Byers, Bateman, Cook, Collins, Flanagan, Gibson, Gaines, of Chicot, Logan, and Steuart of Desha—9.

Whereupon the Speaker announced, that Ambrose H. Sevier, having received 71 joint votes, a majority of all the votes polled, was duly elected United States Senator from the State of Arkansas, for the term prescribed by law.

The Senate now retired to their Chamber, the business of their assembling being now completed.

On motion of Mr. Collins, the House adjourned.

November 23d, 1842.
Wednesday morning, 9 *o'clock*.

The House met pursuant to adjournment.

On motion of Mr. Hanly, the reading of that part of the journal containing the report of the committee elected by ballot, to investigate certain matters concerning the sale of certain State bonds, and the conduct of certain individuals acting as agents in said sale, was dispensed with.

Objections were made to the entry in the journal concerning the question of order, that arose in yesterday's proceedings relative to the number of members that should constitute "a two-thirds," who could constitutionally dispense with the rules of the House, and the following substitution in the journal was ordered, as a correct history of the proceedings.

Mr. Conway moved to dispense with the rules, that the question might be taken on the adoption of the resolution; which motion was sustained by 43 members, 61 members being present.

Whereupon the Chair decided that the rules were dispensed with, and that the question would be upon the adoption of the resolution.

To which decision of the Chair,

Mr. Gibson took an appeal, contending that under the constitution, it required the concurrence of the two-thirds of all the members elected to the House, to dispense with the rules.

Mr. Speaker now announced that petitions from counties are in order.

Mr. Field of Hempstead presented a petition from 86 citizens of that county, asking that Mine creek be declared a navigable stream from Johnson's Mills to its junction with the river Saline, which was read and referred to a select committee of three, consisting of Messrs. Field, Greenwood, and McClain.

Each county being called in alphabetical order, no further petitions were offered, when

Mr. Speaker declared reports from standing committees were in order: none were offered.

Reports from select committees in order, whereupon,

Mr. McClain, from the select committee to whom was referred the bill to abolish capital punishment, on leave given, reported the same back to the House as inexpedient.

Which report was accepted.

Mr. Hardwick, from the committee to whom was referred the bill entitled "an act to prevent persons from setting fire to the woods and prairies, and for other purposes," on leave given, reported the same back to the House with an amendment.

Which report was accepted.

No further reports being offered, motions and resolutions were declared to be in order.

Mr. Peeler of Arkansas, gave notice that, on Saturday next, he would ask leave to introduce a bill to increase the tax on lands, and reduce the tax on slaves, horses, and cattle, and for other purposes.

Pursuant to notice, Mr. Greenwood of Benton introduced a bill entitled "an act to amend the Statutes of this State in relation to roads and highways."

Which was read a first time and ordered to a second reading.

Mr. Flanagan of Clark gave notice that, on to-morrow, he would ask leave to introduce a bill to prevent persons from enticing away slaves.

Mr. Rieves of Crittenden, gave notice that he would, on Monday next, ask leave to introduce a bill to compel the banks of this State to take the State bonds in payment of all debts due said banks; and also introduced, pursuant to previous notice, a bill to be entitled "an act to authorise the location of certain lands in the State of Arkansas, under the act of Congress;" which was read a first time; when on motion of Mr. Hanly, the rules of the House were dispensed with, and the bill was read a second time, and on motion of Mr. Peeler, was referred to the committee on Internal Improvements.

On motion of Mr. Hanly, 100 copies were ordered to be printed.

Mr. Miller of Franklin, gave notice that, on Thursday next, he would ask leave to introduce a bill regulating the school land, and for other purposes.

Mr. Bateman of Independence, gave notice that, on Monday next, he would ask leave of the House, to introduce a bill to be entitled "an act for the relief of widows, and other persons."

On motion of Mr. Campbell, Mr. Roberts was added to the committee on Internal Improvements.

Mr. Hanly of Phillips, offered the following preamble and resolution, to wit:

Mr. Speaker—Whereas, the select committee appointed by ballot, to take into consideration the matters and things referred to in the resotion of Mr. Gibson, adopted by the House some days since, concerning the sale and disposition of certain 5 per cent. State bonds, issued to the bank of the State of Arkansas, and purchased by the Secretary of War, made full report thereof on yesterday; and, whereas, the committee in their said report necessarily referred, to certain entries in the different books of said bank, copies of which were made exhibits thereon; and, whereas also, the committee in their said report, thought it necessary to refer to certain depositions, which were taken by them as evidence in the investigation of said matters, and a portion of the facts reported, being predicated on said depositions; therefore,

Be it resolved, That it is deemed inexpedient that all the papers, documents, and depositions referred to in said report be published in the printed journals of this House, as a part of said report.

Mr. Wiley of Randolph, pursuant to notice, introduced a bill entitled "an act to call in the scrip of Randolph county, and for other purposes," which was read a first time: on motion of Mr. Humphrey, the rules of the House were dispensed with, and the bill read a second time, and on motion of Mr. Hardwick, the bill was referred to a select committee of three, consisting of

Messrs. Wiley, Hardwick, and Brazil.

Mr. Houston of Randolph, gave notice that, on Friday next, he would introduce a bill to amend the 17th section of the 87th chapter of the Revised Statutes of the State of Arkansas, title, "*Justices of the Peace.*"

On motion of Mr. Calvert of Saline, Mr. Brazil was added to the committee on apportionments.

Pursuant to notice, Mr. Gaines of Scott introduced a bill to be entitled "an act to amend the 1st section of the 152d chapter of the Revised Statutes, under the head of townships.

Which was read a first time and ordered to a second reading.

Mr. Scott of Sevier, gave notice that, on Saturday next, he would introduce a bill to prevent the practice of fire hunting.

Mr. Armstrong of Sevier, offered the following:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of amending the law in the Revised Statutes of Arkansas, under the head of maiming, so as to make the cutting or shooting the person of another upon a sudden quarrel, without malice, punishable by imprisonment in the public jail and penitentiary house.

Mr. Counts of Van Buren, offered the following:

Resolved, That the standing committee on Internal Improvements, be instructed to enquire into the utility and propriety of appointing some suitable person to make a geological survey of the State of Arkansas, in order more fully to develope the various resources which the citizens of this State might avail themselves of, in order to secure to themselves prosperity and a certain and sure reward of industry and frugality.

Mr. Arrington of Washington, gave notice to introduce a bill, on to-morrow, to be entitled "an act to provide more efficient punishment of the crime of rape.

Mr. Blakemore of Washington, offered the following:

Resolved, That no standing committee of this House shall be composed of more than nine members, except those committees which now include a greater than nine, which committee shall not be increased in number.

Mr. Gaines of Scott, offered to amend by striking out nine, and insert seven, which was rejected.

Mr. Peeler moved to lay on the table; which was lost.

Mr. Cocke moved to amend by adding,

And that every one added to any of the standing committees, since the appointment of these committees by the Speaker, be excused from serving thereon, provided such person has been appointed by the Speaker on any other standing committee; which was adopted.

Mr. Lemoyne moved to lay the resolution on the table as amended, until the rising of this General Assembly, which was carried, and the resolution laid on the table.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed the following bill:

An act concerning forfeited lands; and respectfully ask the assent of the House of Representatives thereto.

On motion of Mr. Cline of Washington, Mr. Stout of Washington was added to the committee on apportionments.

Mr. Stout of Washington, gave notice that he would, on to-morrow, introduce a bill entitled "an act to make an appropriation for the payment of the members and officers of this General Assembly."

Pursuant to notice, Mr. Cook of White, introduced a bill to be entitled "an act for the removal of obstructions in Little Red river."

Which was read a first time and ordered to a second reading.

On motion of Mr. Cocke, Mr. Rieves of Crittenden, and Mr. Peeler of Arkansas, were added to the committee on Internal Improvements.

Mr. Crutchfield of Pulaski, presented a memorial from William E. Woodruff, asking relief from a suit instituted by the State against him, on his official bond as Treasurer, for $2395 18-100, now pending in the Circuit Court of Pulaski, and that his account current with the State, as late Treasurer, as stated, and reduced up to 31st of October, 1837, may be approved and allowed; which was read, and on motion of Mr. Crutchfield, referred to the committee on the Judiciary, with instructions to report by bill or otherwise.

The orders of the day were now taken up.

The bill of the Senate entitled "an act to authorise the sheriff of Washington county to collect certain taxes," was read a first time, and on motion of Mr. Cline, the rules were dispensed with, and the bill read a second time.

The bill of the Senate entitled "an act to incorporate the Bethesda Academy," was read a first time and ordered to a second reading.

The bill of the Senate entitled "an act to repeal the 2d section of the 155th chapter of the Revised Statutes, under the head of *Venue*," was read a first time and ordered to a second reading.

Pursuant to notice, Mr. Milligan introduced a bill to be entitled "an act prescribing the times and places for holding the terms of the Supreme Court," was read a first time and ordered to a second reading.

On motion of Mr. Mayers, the House adjourned.

NOVEMBER 24th, 1842.
Thursday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. W. W. Stevenson officiated as Chaplain.

On reading the Journal, Mr. Crutchfield of Pulaski, asked that the following be inserted in the Journal, in place of his motion of yesterday on the petition of Wm. E. Woodruff, to wit:

I move the reference of the memorial of William E. Woodruff, to the committee on the Judiciary, with instructions to enquire into the legal and equitable claim of said Woodruff, as set forth in said memorial, and that they report by bill or otherwise.

P. T. CRUTCHFIELD.

Which was ordered to be inserted as of yesterday's minutes, although neither read at the table yesterday, nor handed to the Clerk till after adjournment.

No petitions offered from the counties.

No reports from standing committees.

Reports from select committees were in order.

Mr. Cline, of the select committee to whom was referred the petition of the town council and citizens of the corporation of the town of Fayetteville, praying to be exempted from working upon the public roads and highways, on leave given, reported by bill entitled "an act to exempt the citizens of the corporation of Fayetteville from work upon roads and highways, which report was accepted.

Mr. Mayers called for the orders of the day, which was lost.

Resolutions, motions, and introduction of bills were now in order.

Pursuant to notice, Mr. Greenwood of Benton, introduced a bill entitled "an act to facilitate the recovery of personal property in certain cases," which was read a first time, and ordered to a second reading.

Pursuant to notice, Mr. Miller of Franklin, introduced a bill to be entitled "an act for the distribution of the proceeds of the 72 sections of land donated to the State of Arkansas for the purpose of erecting a seminary of learning," which was read a first time, and ordered to a second reading.

Mr. Hardwick of Green, offered the following:

Resolved, That the House of Representatives, after this day, hold evening sessions, to meet at 3 o'clock, P. M.

And be it further resolved, That on a motion to adjourn, when the ayes and nays are called for, the Speaker shall announce the hour, which shall be stated on the Journals; which resolution was rejected.

Pursuant to notice Mr. Jeffrey of Izard, introduced a bill to be entitled "an act to establish the county of Fulton, which was read a first time, and ordered to a second reading.

Mr. Roane of Jefferson, gave notice that he would, on Monday next, introduce a bill to repeal the 13th section of the 8th division of the 44th chapter in the Revised Statutes of the State of Arkansas, entitled criminal jurisprudence.

Mr. Waters of Jackson, gave notice that, on to-morrow, he would ask leave to introduce a bill to be entitled "an act to establish a road from Lewisburg, Conway county, running east, intersecting a road leading from Memphis, Tennessee, to Batesville, Arkansas.

Pursuant to notice, Mr. Humphrey introduced a bill entitled "an act to put into liquidation the State Bank and its branches," which was read a first time, and ordered to a second reading, when, on motion of Mr. Gibson, 100 copies were ordered to be printed.

Message from the Governor, by his private secretary, R. W. Johnson, which was read, and is as follows:

EXECUTIVE DEPARTMENT,
Little Rock, November 24th, 1842.

To the Honorable the Speaker and Gentlemen of the House of Representatives:

I herewith transmit a copy of the resignation of William Conway B. as Judge of the sixth judicial circuit in the State of Arkansas.

A. YELL.

Little Rock, Ark., 24th Nov. 1842.

Sir: I hereby respectfully resign the office of Judge of the sixth judicial circuit in and for the State of Arkansas.

Most respectfully, your ob't serv't.
WM. CONWAY B.

To his Excellency, Gov. A. YELL.

Mr. Vaughan of Madison, gave notice that he would, on to-morrow, ask leave to introduce a bill to be entitled "an act to reduce the number of grand jurors in this State;" and also a bill to be entitled "an act to amend the 82d section of the 45th chapter of the Revised Statutes.

Mr. Roberts of Marion and Searcy, pursuant to notice, introduced a bill to be entitled "an act to appropriate 25,000 dollars for opening, and removing obstructions in White River, which was read a first time, and ordered to a second reading.

Mr. Campbell of Marion and Searcy, moved that the orders of the day be taken up; which motion was lost.

Mr. Hanly of Phillips, gave notice that, on leave given, he would introduce a bill on Monday next, to repeal the 1st section of the 127th chapter, and the 1st section of the 26th chapter of the Revised Statutes, and to confer the election of reporter of the decisions of the supreme court on the General Assembly, and to prescribe his respective term of office.

Mr. Bizzell of Pike, gave notice that, on Monday next, he would ask leave to introduce "a bill to call in the scrip of Pike county."

Mr. Sullivan of St. Francis, pursuant to notice, introduced a bill to be entitled "an act to repeal the 80th chapter of the Revised Statutes of the State of Arkansas, and for other purposes."

Which was read a first time, and ordered to a second reading.

Mr. Logan of Pope, offered the following preamble and resolution:

Whereas, it is essential, and to the interest of the citizens of this State, that the Legislature proceed in the discharge of the multifarious duties before it, with as much despatch as possible; and whereas, there are many of the standing committees of this House, consisting of from fifteen to twenty and twenty-five members, thereby greatly retarding the business of this General Assembly, for the obvious reason that not more than one or two of said committees can be in session, or in the discharge of their duties at any one time; to the end therefore, that we may proceed to the discharge and completion of such measures as are necessary and of interest to the State with as much dispatch as possible, be it

Resolved, That all members who have been added to the several standing committees of this House, since they were announced by the Speaker, be excused from serving on the same; and that no standing or special committee of the House, shall consist of more than nine members.

On motion of Mr. Collins, the resolution was laid on the table indefinately.

Mr. Brazil of Saline, gave notice that, on Monday next, he would introduce "a bill better to define the lines between Saline and Bradley counties, and for other purposes."

Mr. Armstrong of Sevier, submitted the following joint resolution, instructing our Senators, and requesting our Representative in Congress, to memoralize Congress:

Be it resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested, to use every exertion in their power, to obtain an appropriation of fifty thousand dollars, from the Congress of the United States, for the purpose of erecting and establishing a military road, leading from Fort Smith, on the Arkansas river, by way of Ouachita and Mountain Fork Coves, and the Rolling Fork of Little river, to Laynsport, on Red river, running parallel and east of the Choctaw line; and, also, for the purpose of establishing two military posts on said road—one of the posts to be in the Mountain Fork or Ouachita Cove; and the other on or near Red river; as the same is essential to the protection and defence of the inhabitants residing on, and in the security of the western frontier; and that the Governor be instructed to forward a copy of this resolution, as soon as convenient, to our Senators and Representative.

Which was read, and laid on the table for one day.

Mr. Robertson of Poinsett, pursuant to notice, introduced a bill entitled "an act to repeal the 123d section of the 87th chapter of the Revised Statutes of the State of Arkansas, and for other purposes."

Which was read a first time, and ordered to a second reading.

Mr. Rust of Union, offered the following:

Resolved, That the rule of the House last adopted, in relation to the calling of the roll, be, and the same is hereby rescinded.

Was read, and laid on the table for one day.

Mr. Arrington of Washington, moved that the rules be dispensed with, and Mr. Rust's resolution be acted upon now, eloquently urging the necessity of its adoption; which motion was lost.

Mr. Counts of Van Buren, gave notice that, on to-morrow, he would ask leave to introduce a bill to be entitled "an act for the relief of John C. Young, sheriff and collector of Van Buren county."

Mr. Blakemore of Washington, gave notice that, on Monday next, he would ask leave to introduce "a bill to provide for the appointment of inspectors of tobacco in the State of Arkansas, and for other purposes.

Mr. Stout of Washington, pursuant to notice, introduced a bill entitled "an act to make an appropriation for the payment of the members and officers of this General Assembly."

Which was read a first time; and,

On motion of Mr. Stout, the rules of the House were dispensed with, and the bill read a second time; and,

On motion of Mr. Crutchfield, was referred to the committee on Ways and Means.

Mr. Cook of White, gave notice that, on Monday next, he would introduce "a bill to allow compensation to jurors summoned before justices of the peace."

Mr. Calvert of Saline, offered the following:

Resolved, That hereafter it shall be the duty of the Clerk of this House, to enter upon the journals of the House, all motions for adjournments; by whom made; and at what hour; the hour to be named by the Speaker of the House.

Which resolution was rejected.

The orders of the day, were taken up.

Mr. Roberts of Marion, called for the reading of the Auditor's and Treasurer's Reports; when it was found that they were not in the possession of the House.

Mr. Logan's bill from the table, entitled "an act to change the mode of assessing taxes in this State," was read a first time, and ordered to a second reading.

Mr. Gibson's resolution on Saturday, was taken up.

Resolved, That the joint select committee appointed under Mr. Field's resolution, to investigate the Real Estate Bank, be, and the same is hereby, reduced to the number of five, to consist of two from the Senate, and three from the House; and that the Senate be requested to concur herein.

Which, after some discussion, was withdrawn for the present.

Communication from the President of the Real Estate Bank, was read, and

On motion of Mr. Hanly, was referred to the select committee on Mr. Field's resolution.

The bill of the House, "to establish the county of Ouachita," was taken up, and read a third time, and passed; and was transmitted to the Senate for their assent thereto.

On motion of Mr. Hardwick, the House adjourned.

NOVEMBER 25th, 1842.
Friday morning, 9 *o'clock.*

The House met pursuant to adjournment.

The Reverened William W. Stevenson officiated as Chaplain.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following bills, viz:

"An act for the relief of Mary Ann Dye, administratrix of the estate of William H. Dye, deceased, and Robert H. Douglass, executor of the last will and testament of Reuben Dye, deceased." Also,

"An act to regulate the salaries of the several officers therein specified." Also,

"An act to repeal a part of an act to restrict the powers of the Mayor and Aldermen of the City of Little Rock, approved Dec. 21st, 1840."

And the assent of the House is respectfully asked.

Mr. Speaker presented a communication from Hon. Edward Cross, and Hon. A. H. Sevier, addressed to the Speaker of the House of Representatives of the General Assembly of the State of Arkansas, enclosing a communication from Ex-Governor John Pope, concerning the settling up of his affairs as Territorial Governor, and asking this Legislature to stop certain proceedings in suit now against him, for certain sums said to be in arrears in the settlement of his gubernatorial administration of this State, while a Territory; and to authorize the present Governor to refer the case to the award of impartial men, with a view to a fair and just trial of the questions in issue between him and the State of Arkansas.

Which was read, and referred to the committee on the Judiciary.

Mr. Gray moved that the rules of the House be dispensed with and that the bill entitled "an act to regulate the salaries of the several officers therein specified," be taken up, which was lost.

Mr. Speaker called for petitions from counties.

Mr. Conway of Hempstead, presented a petition from Edward Cross, asking for a law authorizing him to change the course of a road in that county, which was read and referred to a select committee of three, consisting of Messrs. Conway, Bizzell, and Stout.

Mr. Speaker now called for reports from standing committees, whereupon, Mr. Cocke of the committee on the Judiciary, on leave given,

Reported, That having had under consideration the bill entitled "an act to alter and change the powers and duties of justices of the peace, in particular cases, he was instructed to report the bill by substitute, to wit: "an act to alter and amend the 86th chapter of the Revised Statutes of this State under the head of justices of the peace," which report was accepted, and the bill put upon its third reading.

Mr. Field of Hempstead, from the committee of Ways and Means, on leave given,

Reported, That having had under consideration the bill entitled "an act making appropriations for the pay of members and officers of this General Assembly, he was instructed to report the same back without amendment; which report was accepted, and on motion of Mr. Greenwood of Benton, the rules of the House were dispensed with, and the bill read a third time and passed, and transmitted to the Senate for their assent thereto.

No further reports from standing committees.

Mr. Speaker called for reports from select committees.

Whereupon, Mr. Wiley of Randolph, of the committee to whom was referred the bill of the House entitled "an act to call in the scrip of Randolph county, on leave given,

Reported the same back without amendment, when, on motion of Mr. Hardwick, the rules of the House were dispensed with, and the bill was read a third time and passed, and was transmitted to the Senate for their assent thereto.

The orders of the day were now taken up.

The bill of the Senate, entitled "an act to regulate the salaries of the several officers therein specified," was taken up and read a first time, and ordered to a second reading; when Mr. Lemoyne moved to print 100 copies, which was lost.

The bill of the Senate for the relief of Mary Ann Dye, administratrix of William H. Dye, deceased, and Robert H. Douglass, executor of the last will and testament of Reuben Dye, deceased, was read a first time, and ordered to a second reading.

Mr. Baines now moved to dispense with the rules of the House, and take up the bill entitled "an act to regulate the salaries of the several officers therein mentioned.

Mr. Armstrong called for the ayes and nays, which were ordered.

The members voting for dispensing with the rules, are

Messrs. Armstrong, Baines, Bizzell, Brazil, Burke, Conway, Campbell, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Llewellyn, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Thompson, Vaughan, Wiley, and Mr. Speaker—42.

The members voting in the negative, are

Messrs. Arrington, Byers, Bateman, Blakemore, Collins, Crutchfield, Cocke, Cook, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Haynes, Hanly, Johnson, Lemoyne, Marks, Nott, Peeler, Roane, Rust, and Waters—23.

The bill of the Senate, to be entitled "an act to repeal a part of an act to extend the powers of the Mayor and Aldermen of the city of Little Rock, approved 21st December, 1840, was taken up and read a first time, and ordered to a second reading.

Mr. Gaines' (of Chicot,) resolution of the 8th day of the session, relative to the several committees on Banks, instructing them in further investigation into individual liabilities, &c., was now called from the table and read, when Mr. Gibson offered to amend, by inserting after the word "Banks," in the fourth line, "and branches respectively," which amendment was adopted.

Message from his Excellency the Governor, by his private Secretary, R. W. Johnson, returning to the House the following bill:

"An act for the relief of H. Haralson, late Clerk of the Supreme Court," with his Excellency's approval and signature, and withdrew.

When, Mr. Counts of Van Buren, moved to lay Mr. Gaines' (of Chicot,) resolution on the table till the 4th of March next; which elicited a warm debate, during which, a message from the Senate, by the Secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed the following bill:

A bill to be entitled "an act for the relief of Thomas S. Haynes, late sheriff of the county of Conway," and respectfully ask the assent of the House thereto.

Mr. Secretary withdrew and the debate continued, when Mr. Mayers moved to adjourn. Mr. Byers called for ayes and nays, which were ordered, and the motion negatived, by nays 60—ayes 4.

The members who voted negatively, are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Burke, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Flanagan Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—60.

The members voting in the affirmative, are

Messrs. Blakemore, Humphrey, Mayers, and Roane—4.

Mr. Logan called for the ayes and nays on Mr. Counts' motion to lay on the table till 4th March next; which were ordered, and the question was negatived by nays 52, ayes 12.

The members voting in the negative, are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Brazil, Burke, Campbell, Crutchfield, Cocke, Calvert of Saline, Cline, Cook, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Stewart of Clark, Steuart of Desha, Thompson, Vaughan, and Waters—52.

The members voting in the affirmative, are

Messrs. Blakemore, Conway, Calvert of St. Francis, Counts, Martin of Pulaski, Nott, Rust, Sullivan, Stout, Scott, Wiley, and Mr. Speaker—12.

Mr. Mayers moved the previous question; which was put and sustained.

Mr. Flanagan called for a division of the question, that the vote of the House might be taken on the resolution separately.

Which was ordered.

Mr. Gibson would offer an amendment, but was precluded by the previous question.

Mr. Mayers called for the ayes and nays on the adoption of the first resolution; which were ordered, and the resolution was read separately, and adopted by ayes 52, nays 12.

The members voting for the resolution, are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Brazil, Burke, Campbell, Crutchfield, Cocke, Calvert of Saline, Cline, Cook, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwich, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Stewart of Clark, Steuart of Desha, Thompson, Vaughan, Waters—52.

The members who voted against the resolution, are

Messrs. Blakemore, Conway, Calvert of St. Francis, Counts, Martin of Pulaski, Nott, Rust, Sullivan, Stout, Scott, Wiley, and Mr. Speaker—12.

Mr. Hanly proposed to amend the second resolution; when a question of order arose: the Chair deciding that the previous question precluded all amendment and debate, to the whole series of resolution.

Mr. Hanly appealed to the House, from the decision of the Chair, contending that the putting of the previous question, only precluded debate and amendment to the first resolution of the series; the Chair deciding that it had effect upon the whole series of resolutions equally: which was strenuously debated alternately; when Mr. Gibson called for the ayes and nays, on the appeal from the Chair's decision.

Which were ordered; and the Chair sustained, by ayes 42--nays 20.

The members who voted for sustaining the decision of the Chair, are,

Messrs. Armstrong, Bizzell, Brazil, Blakemore, Conway, Calvert of Saline, Calvert of St. Francis, Counts, Fancher, Flanagan, Finley, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Martin of Pulaski, Mayers, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—42.

The members voting in favor of the appeal, are

Messrs. Arrington, Baines, Byers, Bateman, Burke, Campbell, Crutchfield, Cocke, Cline, Gibson, Gaines of Chicot, Hanly, Llewellyn, Lemoyne, Logan, Marks, Martin of Franklin, Miller, Milligan, and Rust—20.

When the question was put, and the ayes and nays taken on the adoption of the second resolution; which was adopted by ayes 60—nays 2.

The members who voted for the adoption of the resolution, are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Burke, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Roberts, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Thompson, Vaughan, Wiley, Waters, and Mr. Speaker—60.

The members voting against the resolution, are

Messrs. Nott, and Rieves of Crittenden—2.

The question was now put, on the adoption of the third resolution; which was rejected, by nays 41—ayes 23.

The members who voted against the resolution, are

Messrs. Armstrong, Byers, Bizzell, Brazil, Blakemore, Conway, Cocke, Calvert of Saline, Calvert of St. Francis, Fancher, Flanagan, Finley, Gaines of Chicot, Gaines of Scott, Greenwood, Haynes, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Mayers, Miller, Nott, Parks, Reeves of Crawford, Rieves of Crittenden, Robertson, Rust, Stewart of Clark, Steuart of Desha, Stout, Scott, Wiley, and Mr. Speaker—41.

The members voting for the resolution, are

Messrs. Arrington, Baines, Bateman, Burke, Campbell, Crutchfield, Counts, Cline, Cook, Gibson, Gray, Gage, Humphrey, Martin of Franklin, Milligan, McClain, Peeler, Roberts, Roane, Sullivan, Thompson, Vaughan, and Waters—23.

On motion of Mr. Scott, the House adjourned.

November 26th, 1842.
Saturday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. W. W. Stevenson officiated as Chaplain.

Mr. Cline moved that the rules of the House be dispensed with, and that the bill entitled "an act regulating the salaries of the several officers therein specified," be now taken up.

Which motion being sustained by two-thirds, the rules were dispensed with, and the bill taken up.

When, on motion of Mr. Calvert of St. Francis, the rules of the House were again dispensed with, and the bill made the orders of the day, before a committee of the whole House forthwith.

Whereupon, the House resolved itself into a committee of the whole, Mr. Crutchfield in the chair.

The Speaker again resumed his seat, when Mr. Crutchfield, from the committee of the whole, reported the bill back to the House, without amendment.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have adopted the following resolution:

Resolved, That the resolution adopted by this General Assembly, making the standing committee on apportionment, a joint committee, be, and the same is hereby rescinded; to which your concurrence is respectfully asked.

And the Senate have assented to the following bill, from the House of Representatives:

An act to make an appropriation for the payment of the members and officers of this General Assembly; which is herewith returned to the House.

On motion of Mr. Conway, the rules were dispensed with a third time, and the bill put upon its third reading for its final passage.

Mr. Hanly moved that the bill be read by title only.

Which was ordered.

Mr. Hanly offered the following amendment to the 3d section of the bill, which reads,

"The salary of Circut Judges, hereafter to be elected or appointed, shall be one thousand dollars per annum, by inserting, '*Provided*,' nevertheless, that said judges, nor any or either of them, shall have families; but if they, or either of them, shall have a wife, child, or children, such judge or judges, so having a family, as aforesaid, shall be entitled to, in addition to the above salary, the sum of one hundred dollars for his wife, and the additional sum of one hundred dollars for each and every child, which said judge may have accredited to him, born in lawful wedlock."

When Mr. Roberts moved to lay the amendment on the table till the 4th July next.

Mr. Gibson called for the ayes and nays, which were ordered, and the amendment laid on the table till 4th July next.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Franklin, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Rust, Stewart of Clark, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—52.

The members who voted in the negative, are

Messrs, Byers, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Hanly, Martin of Pulaski, Mayers, Nott, Roane, Steuart of Desha—12.

Mr. Conway called for the previous question; and that the main question shall now be put.

Mr. Hanly called for the ayes and noes, upon the putting of the previous question; which were ordered, and the motion carried by ayes 37, noes 27.

The members voting in the affirmative, are

Messrs. Armstrong, Baines, Bateman, Bizzell, Brazil, Conway, Campbell, Calvert of St. Francis, Cline, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Martin of Franklin, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Rust, Stewart of Clark, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—37.

The members voting in negative, are

Messrs. Arrington, Byers, Blakemore, Burke, Collins, Crutchfield, Cocke, Calvert of Saline, Counts, Cook, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Hanly, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Mayers, Nott, Peeler, Roane, and Steuart of Desha.—27.

Mr. Rust moved to reconsider the last vote.

The question on reconsideration was put, and the motion lost.

The question was now put on the final passage of the bill.

Mr. Collins called for the ayes and noes.

Which were ordered, and the bill passed by ayes 47, noes 18, and was returned to the Senate, whence it originated.

The members voting for the passage of the bill, are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Burke, Conway, Campbell, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Logan, Martin of Franklin, Mayers, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Stewart of Clark, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—47.

The members voting against the bill, are

Messrs. Collins, Cocke, Cook, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Hanly, Llewellyn, Lemoyne, Marks, Martin of Pulaski, Nott, Peeler, Roane, Rust, and Steuart of Desha—18.

On motion of Mr. Roberts, the House adjourned.

November 28th, 1842.
Monday morning, 9 *o'clock.*

The House met pursuant to adjournment.

The Reverend W. W. Stevenson officiated as Chaplain.

The Speaker announced that petitions from counties were in order.

Whereupon, Mr. Mayers presented a petition from 82 citizens of the town of Fort Smith, in Crawford county, asking for laws incorporating the town of Fort Smith; which was read and referred to a committee of five, consisting of

Messrs. Mayers, Reeves of Crawford, Miller, Martin of Franklin, and Thompson.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House, that the several committees on banks, be instructed to obtain from the officers of the State and Real Estate banks, and the branches of each, a list of all their debts, discounts for Exchange and notes, stock accommodations, &c.—suspended debts—dates of protests, &c., and report the same to this House as an amendment, to which the Senate have passed the following resolution:

Resolved, That the committee on Banks have full power to call on the officers of the branch banks, for all the information contained in foregoing resolution, and it is made the duty of said officers to furnish with the least possible delay, such schedules as may be required, which schedule shall be certified under oath, and the concurrence of the House is asked hereto.

I am also instructed to return to your honorable body the following bills, with the assent of the Senate thereto, viz:

"An act to call in the scrip of Randolph county."

"A bill to be entiled an act to establish the county of Ouachita;" to which resolution the House concurred, and the Senate was informed thereof by message.

Mr. Byers of Independence, presented a petition from 130 citizens of Independence, asking for a change of the law respecting the docket of justices of the peace, in case of death, removal, or resignation, &c.; that the docket of such justice, shall be transferred to his successor, and not to the clerk of the court.

Mr. Roane of Jefferson, presented a memorial from 241 citizens of Jefferson county, asking an appropriation, and a law, establishing a road from the Arkansas river to the mouth of Cache river, to intersect the Memphis road at that point; which was read, and referred to committee on Internal Improvements.

Mr. Crutchfield of Pulaski, presented a petition from Luther Chase and five others, asking for an alteration in the boundary line between Pulaski and Saline county, which was read and referred to committee on Counties and County Lines.

No further petitions from counties.

Mr. Speaker announced that reports from standing committees were in order.

Whereupon, Mr. Greenwood, of the committee on enrollments, on leave given, reported the two following bills correctly enrolled:

"An act regulating the salaries of the several officers therein specified."

"An act making appropriation for the pay of the officers and members of the present General Assembly.

Mr. Cocke, from the committee on the Judiciary, on leave given, reported the following bills, to wit:

A bill entitled "an act to amend the 2d section of the 12th chapter of the Revised Statutes."

"An act to pay all expenses of convicts after conviction;" back to the House, as impolitic and impracticable; and also, the resolution proposing an amendment to the 4th section of the 6th article of the Constitution, as inexpedient; and also the propriety of passing "an act concerning judgments on delivery bonds."

Mr. Byers, from the committee on the Judiciary, on leave given,

Reported the bill entitled "an act to amend the 45th chapter of the Revised Statutes, title, Criminal Proceedings; and to repeal so much of said chapter as relates to the change of *Venue*, in criminal cases; that the bill is impolitic and should not be passed.

Mr. Crutchfield of Pulaski, submitted the following:

Resolved, That so much of the resolution of the Senate and House of Representatives, as makes the two standing committees on Internal Improvements, a joint committee, be, and the same is hereby rescinded; and that the Senate be respectfully requested to concur herein.

The rules of the House were dispensed with, and the resolution adopted, and transmitted to the Senate, for their concurrence.

Mr. Flanagan gave notice that, on Wednesday next, he would ask leave to introduce "a bill to amend the law in relation to Roads and Highways."

Mr. Collins of Crittenden, gave notice that, on Thursday, the 30th instant, he would introduce a memorial to the President of the United States, relative to the establishment of an Armory at the City of Memphis, Tennessee; and also, another memorial to the Congress of the United States, in relation to the establishment of a Naval Depot and Dock Yard, at the same place.

Mr. Llewellyn of Chicot, gave notice that, on Wednesday next, he would ask leave to introduce a bill to be entitled "an act amendatory of the law in this State, as to bills of exchange and other negotiable instruments."

Mr. Jeffrey of Izard, gave notice that, on Thursday next, he would introduce a bill entitled "an act to call in the scrip of Izard county."

Pursuant to notice, Mr. Bateman of Independence, introduced a bill entitled "an act for the relief of widows."

Which was read a first time, and ordered to a second reading.

Mr. Roane of Jefferson, gave notice that, on to-morrow, he would, on leave given, introduce "a bill amendatory of the Criminal Code, and in aid of the 202nd section of the 45th chapter of the Revised Statutes of the State of Arkansas, title, Criminal Proceedings."

Mr. Milligan of Lawrence, pursuant to notice, introduced a memorial to the Congress of the United States, asking for a law authorizing the County Courts of this State, to float the 16th sections, or school lands, when they shall ascertain that the land is poor, &c.

Which was read a first time, and ordered to a second reading.

Mr. Humphrey of Lawrence, gave notice that, on Thursday next, he would ask leave to introduce "a bill authorizing Geo. W. Wells to sell certain merchandise without taxation."

Mr. Vaughan of Madison, pursuant to notice, introduced a bill to be entitled "an act to amend the 82nd section of the 45th chapter of the Revised Code"—and also, a bill to be entitled "an act reducing the number of grand jurors."

Which was read a first time, and ordered to a second reading.

Mr. Finley of Mississippi, gave notice that, on Thursday next, he would ask leave to introduce a bill to be entitled "an act for the regulation of proceedings in writs of *Certiorari* and *Supersedeas*."

Mr. Johnson of Monroe, gave notice that, on to-morrow, he would introduce "a bill to provide for the more certain payment of the members of the present Legislature."

Mr. Hanly, pursuant to notice, introduced a bill to be entitled "an act to sever the offices of sheriff and collector, sheriff and assessor, and sheriff and public administrator, and prescribing the manner in which said offices shall hereafter be filled."

Which was read a first time, and ordered to a second reading; and one hundred copies ordered to be printed.

Mr. Martin of Pulaski, pursuant to notice, introduced a bill to be entitled "an act requiring the city of Little Rock to refund to the county of Pulaski, certain moneys, and for other purposes."

Which was read a first time, and ordered to a second reading.

Mr. Crutchfield of Pulaski, gave notice that he would, on to-morrow, introduce a bill to be entitled "an act concerning the lien of mechanics."

Mr. Houston of Randolph, pursuant to notice, introduced a bill entitled "an act to amend the 173rd section of the 87th chapter of the Revised Statutes, title Justices of the Peace."

Which was read a first time, and ordered to a second reading.

Mr. Gaines of Scott, pursuant to notice, introduced a bill to be entitled "an act to establish a road leading from the Missouri line, to Louisiana line, in the direction of Shreevesport."

Which was read a first time, and ordered to a second reading.

Mr. Armstrong of Sevier, submitted the following:

Resolved, That the election for judges of the 6th judicial circuit, be postponed until the 20th day of December next; and the Senate is respectfully requested to concur herein.

On motion of Mr. Flanagan, the rules were dispensed with, and the resolution adopted, and transmitted to the Senate for their concurrence.

Mr. Scott of Sevier, pursuant to notice, introduced a bill to be entitled "an act to prevent the practice of fire hunting in this State."

Which was read a first time, and ordered to a second reading.

Mr. Counts of Van Buren, submitted the following preamble and resolution:

Whereas, by the passage of a bill for the reduction of salaries, the people of the State, through their representatives, have evinced their determination to retrench the public expenses, and thereby lessen the necessity of increased taxation at a period of such general distress and embarrassment. And whereas, under the provisions of said bill, the judges of the supreme and circuit courts, hereafter to be elected, will be required to perform the same duties as those now in commission, and at a less compensation; thereby destroying that uniformity and equality so necessary to sustain the dignity of our judicial tribunals; to obviate which, it is

Resolved by this General Assembly, That the judges of the supreme and circuit courts, now in commission, and whose term of service has not expired, be requested to resign their respective offices, and submit to a re-election, or signify their willingness to accept of the compensation fixed by said bill, for such offices; and that a committee of three be appointed to notify each one of said judges of this resolution, and make report of their answers as soon as practicable; and the Senate be requested to concur in this resolution.

Which was read, and laid on the table for one day.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following bill, to wit:

A bill to be entitled "an act to regulate the salaries of the several officers therein specified."

And have added the following resolution thereto:

That whereas, a paper purporting to be "an act entitled an act to regulate the salaries of the several officers therein specified, passed both Houses of the General Assembly, without any enacting clause; and therefore the same was declared void, and of no effect; and whereas, on this day, the Senate have passed "an act entitled an act to regulate the salaries of the several officers therein named;" be it therefore

Resolved, That this resolution be communicated to the House of Representatives, with the said act.

The bill is herewith enclosed, and the concurrnce of the House is respectfully asked thereto.

Which was concurred in by the House, and the Senate informed thereof, by message.

On motion of Mr. Mayers of Crawford, the rules of the House were dispensed with, and the bill of the Senate, entitled "an act to regulate the salaries of the several officers therein specified," was taken up, and read a first time.

When the rules were dispensed with, and the bill read a second time, by title.

Mr. Gibson of Hot Spring, offered the following amendment, as a substitute for the first section:

"That hereafter, the salary of the Governor of this State, shall be the sum of $1,500 per annum, in par funds."

When Mr. Mayers, moved to lay the amendment on the table till the 4th July, 1850.

Mr. Gibson called for the ayes and noes.

And they were ordered; and the amendment laid on the table, by ayes 41—noes 18.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Bizzell, Brazil, Blakemore, Burke, Collins, Conway, Campbell, Calvert of St. Francis, Counts, Cline, Field, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Martin of Franklin, Mayers, Miller, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Robertson, Stewart of Clark, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—41.

The members voting in the negative, are

Messrs. Byers, Bateman, Cocke, Flanagan, Finley, Gibson, Gaines of Chicot, Hanly, Lemoyne, Logan, Marks, Martin of Pulaski, Nott, Peeler, Roberts, Roane, Rust, and Steuart of Desha—18.

On motion of Mr. Roberts, the rules were dispensed with, and the bill read a third time by title.

Mr. Byers of Independence, offered to amend the 4th section, by striking out the words, one thousand dollars, and inserting in lieu thereof, six hundred dollars, when

Mr. Mayers, moved to lay the amendment on the table till the 4th July, 1848.

Mr. Byers called for the ayes and noes, which were ordered, and the amendment laid on the table by ayes 44, noes 18.

The members voting in the affirmative, are

Messrs. Armstrong, Bizzell, Brazil, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Finley, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Roane, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—44.

The members who voted in the negative, are

Messrs. Arrington, Byers, Bateman, Flanagan, Gibson, Gaines of Chicot, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Nott, Peeler, Roberts, and Rust—18.

Mr. Conway called for the previous question, and was sustained, and the bill was put on its final passage.

Mr. Byers called for the ayes and noes, which were ordered, and the bill passed by ayes 43, noes 18, and was transmitted to the Senate by message.

The members who voted for the bill, are

Messrs. Arrington, Armstrong, Byers, Bateman, Bizzell, Brazil, Blakemore, Burke, Conway, Campbell, Calvert of St. Francis, Counts, Cline, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Logan, Martin of Franklin, Mayers, Miller, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Stewart of Clark, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—43.

The members voting in the negative, are

Messrs. Collins, Cook, Field, Flanagan, Gibson, Gaines of Chicot, Hanly, Llewellyn, Lemoyne, Marks, Martin of Pulaski, Nott, Peeler, Roane, Rust, Steuart of Desha—18.

Mr. Lemoyne offered the following:

Resolved, That the two House of this General Assembly, will convene in the Representative Hall, on Tuesday next, at 10 o'clock, for the purpose of electing one judge of the supreme court, and the judges and prosecuting attorneys for the several judicial circuits of this State, except the judge of the 6th judicial circuit; and that the Senate be asked to concur herein.

Which was rejected.

On motion of Mr. Humphrey, the House adjourned.

NOVEMBER 29th, 1842.
Tuesday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Yeager officiated as Chaplain.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed the following bill, viz:

An act for the relief of the estate of David R. Looney, deceased.

I am also instructed to inform your honorable body, that the Senate have concurred in the resolution of your honorable body, "that so much of the joint resolution as makes the two standing committees on internal improvements, a joint committee, be, and the same is hereby rescinded.

I am also instructed to inform your honorable body, that the Senate have passed the following bill, to wit:

An act to repeal the 15th section of a law in the Revised Code, chapter 23: and the concurrence of the House is respectfully asked.

Mr. Speaker announced that petitions from counties were in order.

When Mr. Baines presented a petition from 497 citizens of Carrol county, asking for a division of said county, and the establishment of a new county; which was read and referred to a select committee, consisting of

Messrs. Baines, Mayers, and Houston.

Mr. Martin of Pulaski, presented a petition from Lemuel R. Lincoln, late clerk of the circuit court of Pulaski county, praying for an allowance of fees in certain cases, wherein the State are prosecutor, as shown by schedule; which was read and referred to select committee, consisting of

Messrs. Martin of Pulaski, Armstrong, and Counts.

Also, a petition from Thomas Royal, and others, asking for a change in the boundary line between White and Pulaski counties.

Which was read and referred to the committee on counties and county lines.

Also, a petition from several citizens of the county of Pulaski, asking for the establishment of a new county, cutting off a portion of Pulaski county, to be called Gray county.

Which was read and referred to committee on counties and county lines.

No further petitions from counties being offered, Mr. Speaker announced that reports from standing committees were in order.

When Mr. Greenwood, from the committee on enrollments, on leave given, reported

That the bill of the House entitled "an act to call in the scrip of Randolph county," was correctly enrolled.

Mr. Gaines of Scott, from the committee on counties and county lines, on leave given,

Reported a bill referred to said committee, entitled "an act to authorise the county court of Scott county, to remove the records, furniture, &c., from the present seat of justice, to the seat of justice selected by commissioners of said county, with an amendment.

There being no further reports from standing committees, the Speaker announced that reports from select committees were in order.

When Mr. Stout, from the committee to whom was referred the petition of James B. Russell, executor of the last will and testament of George Russell, deceased, on leave given, reported by bill.

No further reports from select committees.

Resolutions and motions were in order.

Mr. Greenwood of Benton, gave notice that, on Saturday next, he would ask leave to introduce a bill declaring White river navigable to the Buffalo shoals, for steam boats, and for keel boats, and flats, to the mouth of Prairie creek.

Mr. Baines of Carroll, gave notice that, on Friday next, he would ask leave to introduce a bill to call in the scrip of Carroll county.

Mr. Steuart of Desha, gave notice that, on Monday next, he would ask leave to introduce a bill to repeal the 1st section of the 28th chapter, under the head of Common and Statute law of England, and for other purposes.

Mr. Collins of Crittenden, gave notice that, on Saturday next, he would ask leave to introduce a bill to repeal "an act entitled an act to repeal the 39th, 41st, 42d, and 45th sections of the 60th chapter of the Revised Code, and revive and put in force said sections.

Mr. Miller of Franklin, gave notice that, on Friday next, he would ask leave to introduce a bill to establish a road from Little Rock, on the north side of the river Arkansas, to Van Buren, and for other purposes.

On motion of Mr. Martin of Franklin, Mr. Campbell was added to the committee on militia.

Mr. Hardwick of Green, offered the following:

Resolved, That the two Houses of the General Assembly convene in the Representative Hall on to-morrow, at the hour of 10 o'clock in the forenoon, and proceed to the election of one supreme judge, and the judges of the several judicial circuits, where vacancies have happened, except the 6th circuit, and prosecuting attorneys for the State; and the Senate be requested to concur herein.

Which was read and laid on the table for one day.

Mr. Field of Hempstead, gave notice that, on Monday next, he would introduce a bill prohibiting corporations and individuals from issuing shinplasters, change tickets, receipts, which are designed to answer the purpose of such shinplasters, tickets, in any transactions.

Mr. Roane of Jefferson, pursuant to notice, introduced a bill to be entitled "an act amendatory of the Criminal Code, and in aid of the 202d section of the 45th chapter of the Revised Statutes, title, Criminal Proceedings.

Which was read a first time and ordered to a second reading.

Mr. Gray of Johnson, offered the following:

Resolved, That a select committee of five be appointed, whose duty it shall be to take into consideration the propriety of reducing and establishing a uniform system of charges for all practising physicians in this State, and that they report by bill or otherwise.

Mr. Field of Hempstead, proposed to amend by adding, "and that in all cases of high water or obstetrical operations, the price to be paid shall be a matter of consideration with the patient and physician;" when Mr. Humphrey moved to lay both the amendment and resolution on the table, which was carried.

Mr. Nott of Lafayette, asked that the rules might be dispensed with, to permit him to report from a select committee, which was sustained, and leave given, when he reported as follows:

That the select committee who were appointed to call on the Right Reverend Bishop Otey, requesting him to deliver, on any day that would suit his convenience, a lecture on education, had called upon the reverend gentleman, and received in return the following answer:

Little Rock, 29th November, 1842.

Gentlemen—I have the honor to acknowledge the receipt of your note of yesterday, and have to say, in reply to the request which it conveys, that I will deliver an address on education, Divine Providence permitting, in the Representative Hall, on Thursday next, at 11 o'clock, A. M. Very respectfully your friend and servant,

JAMES H. OTEY.

To Messrs. JAMES E. NOTT,
JOHN W. COCKE, } *Committee.*
B. HANLY,

Mr. Humphrey gave notice that, on Friday next, he would ask leave to introduce a bill asking an appropriation to clear out Black river, from the mouth to Pocahontas.

On motion of Mr. Milligan, Mr. Jeffrey was added to the committee on Internal Improvements.

Mr. Campbell of Searcy, gave notice that, on Thursday next, he would ask leave to introduce a bill authorizing a geological survey of the State of Arkansas.

Mr. Hanly of Phillips, pursuant to notice, introduced a bill to be entitled "an act to define the meaning of the 3d section of the 30th chapter of the Revised Statutes, which was read a first time, and ordered to a second reading.

Mr. Bizzell of Pike, pursuant to notice, introduced a bill to be entitled "an act to call in the scrip of Pike county, which was read a first time; when, on motion of Mr. Humphrey, the rules of the House were dispensed with, and the bill read a second time; when, on motion of Mr. Conway, the rules were dispensed with, and the bill read a third time, and passed; and was transmitted to the Senate for their assent.

Message from the Governor, by his private secretary, R. W. Johnson, returning to the House, whence they originated, the bills, entitled

"An act to call in the scrip of Randolph county;"

"An act making an appropriation for the payment of the members and officers of the present Legislature," with the Governor's approval and signature.

On motion of Mr. Greenwood, leave of absence was granted Mr. McClain on account of indisposition.

Mr. Robertson of Poinsett, gave notice that, on Tuesday next, he would ask leave to introduce a bill to be entitled "an act amendatory to the 91st chapter of the Revised Statutes, under the head of limitations."

Mr. Logan of Pope, offered the following preamble and resolution, to wit:

Whereas the faith and credit of this State has suffered in public estimation, both at home and abroad, from the belief that she is unwilling and unable to meet her liabilities, thereby inflicting a deep and serious injury upon the cause of American liberty and constitutional freedom, and to prevent a false and injurious imputation upon the honor and character, we, the representatives assembled, in our legislative capacity, do

Resolve and declare, that the principles of private virtue, as well as political justice, utterly forbid that we will countenance the odious doctrine of repudiation, and we pledge the resources of the State to guarantee the payment of all her just, and equitable debts, and the Senate is requested to concur herein.

On motion of Mr. Cocke of Pulaski, the rules were dispensed with, and leave granted, that he might present a petition from several citizens of Pulaski county, asking that James Fears might be released from a fine amerced on him at the circuit court of Pulaski, for involuntary homicide, which was read, and referred to committee on the Judiciary.

Mr. Crutchfield of Pulaski, pursuant to notice, introduced a bill to be entitled "an act concerning the lien of mechanics," which was read, and ordered to a second reading.

Mr. Martin of Pulaski, offered the following:

Resolved, That the rules of this House be so amended, that the alphabetical call of the House by counties be so changed, that the call commence alternately, every other morning, at the head and foot of the alphabet.

On motion of Mr. Crutchfield, the rules of the House were dispensed with, and the resolution adopted.

Mr. Gibson offered the following:

Resolved, That hereafter, when the vote is taken upon a motion to dispense with the rules of the House, it shall be the duty of the Speaker to announce, distinctly, the number voting in the affirmative, and cause the same to be entered upon the journals, and that the Speaker also announce the number of members present.

Message from the Senate by the Secretary, presenting the enrolled bill of the Senate, entitled

"An act to regulate the salaries of the several officers therein specified," for the signature of the Speaker, which was signed and returned by message to the Senate.

When Mr. Gibson called for the ayes and noes on his resolution, which were ordered, and the resolution adopted by ayes 39—noes 24.

The members voting in favor of the resolution, are

Messrs. Arrington, Baines, Byers, Bateman, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Counts, Cline, Cook, Field, Finley, Gibson, Gaines of Chicot, Greenwood, Haynes, Hanly, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Miller, Peeler, Reeves of Crawford, Roberts, Robertson, Rust, Stewart of Clark, Steuart of Desha, Thompson, Vaughan, Waters, and Mr. Speaker—39.

The members voting in the negative, are

Messrs. Armstrong, Bizzell, Brazil, Blakemore, Calvert of Saline, Calvert of St. Francis, Fancher, Flanagan, Gaines of Scott, Gray, Gage, Humphrey, Hardwick, Houston, Jeffrey, Mayers, Milligan, Nott, Parks, Roane, Sullivan, Stout, Scott, and Wiley—24.

Mr. Houston of Randolph, gave notice that, on Friday next, he would ask leave to introduce "a bill to obtain an appropriation of $1,500 from any available fund in the State, for the purpose of improving the navigation of Current river, from the State line of Missouri, to its junction with Big Black river.

Mr. Calvert of Saline, offered the following:

Resolved, That hereafter, there shall be no more additions to the standing committees of this House, except when a member is excused from serving on any of said committees.

Which was read, and rejected.

On motion of Mr. Thompson of Scott, Mr. Martin of Franklin, was added to the committee on counties and county lines.

Mr. Armstrong of Sevier, offered the following:

Resolved, That the committee on internal improvements, be instructed to enquire into the expediency of appropriating a portion of the proceeds of the 500,000 acres of land, donated by the Congress of the United States to this State, to the improvement of the navigation of Red river, from the head of the raft to the Choctaw line; and also the navigation of Little river, from the mouth to the Indian line.

Which was rejected.

Mr. Counts of Van Buren, pursuant to notice, introduced a bill to be entitled "an act for the relief of John O. Young, sheriff and collector of Van Buren county."

Which was read a first time and ordered to a second reading.

Mr. Cline of Washington, gave notice that, on Saturday next, he would ask leave to introduce a bill for the relief of debtors, and for other purposes.

On motion of Mr. Arrington, Mr. Lemoyne was added to the committee on education.

Mr. Blakemore, pursuant to notice, introduced a bill to be entitled "an act to provide for the appointment of inspectors of tobacco, in the State of Arkansas, and defining their duties, and for other purposes."

Which was read a first time, and ordered to a second reading.

Mr. Cook of White, pursuant to notice, introduced a bill to be entitled "an act to allow compensation to jurors, before justices of the peace."

Which was read a first time, and ordered to a second reading.

Mr. Parks of Yell, gave notice that, on Saturday next, he would introduce a bill for the opening of a road from the city of Little Rock, to Fort Smith, on the south side of the Arkansas river, and for other purposes.

On motion of Mr. Haynes of Conway, the House adjourned.

NOVEMBER 30th, 1842.

Wednesday morning, 9 *o'clock*.

The House met pursuant to adjournment.

Chaplain absent.

Mr. Rust moved that the rules of the House be dispensed with, and the resolution of the gentlemen from Green, of yesterday, relating to the election of judges and prosecuting attorneys, be taken up, which was sustained by 59 members, there being only 61 in the House, and so the resolution of yesterday was taken up, and

Mr. Gibson, amended by inserting this day, in place of to-morrow, as read in the resolution of yesterday; which was adopted, and the resolution passed as amended, and was transmitted to the Senate for their concurrence.

Mr. Speaker, announced that petitions from counties were in order.

When Mr. Johnson of Monroe, presented a petition from several citizens of Monroe, and Pulaski counties, asking for the establishment of a new county, to be called *Eden*.

Which, on motion of Mr. Johnson, was referred to the committee on counties and county lines.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed

A bill to be entitled an act for the relief of William Gilchrist, and C. L. Jeffries, with the following amendment: strike out after the enacting clause, and substitute as follows: "that the sum of seven hundred and eight dollars be, and the same is hereby appropriated to pay William Gilchrist, for services rendered as commissioner of the penitentiary, for the years 1839, and 1840; and that the further sum of seven hundred and thirteen dollars be, and the same is hereby appropriated to pay C. L. Jeffries, for services rendered as commissioner of the penitentiary, for the years 1839, and 1840."

The above sums to be paid out of any money in the Treasury, not otherwise appropriated, and that this act shall take effect, and be in force, from and after its passage, and the assent of the House is asked thereto.

Mr. Greenwood of Benton, of the committee on enrollments, on leave given, reported the bill entitled "an act to establish the county of Ouachita," as correctly enrolled.

When it was signed by the Speaker of the House, and transmitted to the Senate for the President's signature.

Message from the Senate, declaring the concurrence of the Senate in the resolution of the House, to go into the election of one supreme judge, and judges for the several circuits in the State, where there are vacancies, except the 6th judicial circuit, and prosecuting attorneys, for the several circuits: with the amendment, striking out "except the judge of the 6th judicial circuit;" which amendment was concurred in by the House, and the Senate informed thereof by message.

On motion of Mr. Roane, the House now went into recess, to prepare the Hall for the reception of the Senate.

Ten o'clock, the hour appointed, having arrived for the election, the Senate were informed of the fact, by message, and invited to seats prepared for their reception, in the Representative Hall.

When the Senate appeared, and were seated in the bar of the Hall.

When nominations for supreme judges were declared in order.

When Mr. Counts of Van Buren, nominated Townsend Dickinson, of White county.

Mr. Mayers of Crawford, nominated Geo. W. Paschal, of Crawford county.

Mr. Humphrey of Lawrence, nominated Thomas Johnson, of Independence county.

Mr. Brazil of Saline, nominated John J. Clendennin, of Pulaski county.

Mr. Stewart of Clark, nominated William Conway B.

Mr. Hanly of Phillips, nominated Wm. K. Sebastian, of Phillips.

No other nominations being made, the roll of the Senate was called, by which it appeared, that

Mr. Dickinson	had	received	2	votes,
Mr. Paschal	"	"	5	"
Mr. Johnson,	"	"	5	"
Mr. Clendennin,	"	"	0	"
Mr. Conway,	"	"	1	"
Mr. Sebastian,	"	"	7	"

When the roll of the House was called, and it appeared, that

Mr. Dickinson	had	received	16	votes—	making	joint	vote	18
Mr. Paschal,	"	"	14	"	"	"	"	19
Mr. Johnson,	"	"	5	"	"	"	"	10
Mr. Clendennin,	"	"	4	"	"	"	"	4
Mr. Conway,	"	"	14	"	"	"	"	15
Mr. Sebastian,	"	"	12	"	"	"	"	19

The members of the House who voted for Mr. Dickinson, are

Messrs. Byers, Bateman, Burke, Campbell, Counts, Cook, Finley, Gibson, Gaines of Chicot, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Roberts, Roane, Steuart of Desha—16.

Members voting for Mr. Paschal, are

Messrs. Arrington, Cline, Gaines of Scott, Greenwood, Haynes, Martin of Franklin, Mayers, Miller, McClain, Parks, Reeves of Crawford, Stout, Tackett, Vaughan—14.

The members voting for Mr. Johnson, are

Messrs. Collins, Fancher, Humphrey, Waters, Wiley—5.

The members voting for Mr. Clendennin, are

Messrs. Baines, Brazil, Crutchfield, and Calvert of Saline—4.

The members voting for Mr. Conway B., are

Messrs. Armstrong, Bizzell, Blakemore, Conway, Field, Flanagan, Gray, Gage, Martin of Pulaski, Nott, Rust, Stewart of Clarke, Scott, and Thompson—14.

The members voting for Mr. Sebastian, are

Messrs. Cocke, Calvert of St. Francis, Hardwick, Hanly, Houston, Marks, Milligan, Peeler, Rieves of Crittenden, Robertson, Sullivan, and Mr. Speaker—12.

It appearing that no one nominated had received the majority of the joint votes.

The Speaker, ordered the call for a second ballotting; when the

the Secretary called the roll of the Senate, whereby it appeared, that
Mr. Dickinson had received 2 votes,
Mr. Paschal, " " 7 "
Mr. Johnson, " " 4 "
Mr. Clendennin, " " 0 "
Mr. Conway B. " " 1 "
Mr. Sebastian had received 6 votes.

When the roll of the House was called, whereby it appeared that
Mr. Dickinson had received 16 votes, making 18 joint votes.
Mr. Paschal " " 16 " " 23 " "
Mr. Johnson " " 4 " " 8 " "
Mr. Clendennin " " 3 " " 3 " "
Mr. Conway B. " " 15 " " 16 " "
Mr. Sebastian " " 13 " " 19 " "

The members of the House voting for Mr. Dickinson, are

Messrs. Byers, Bateman, Burke, Campbell, Counts, Cook, Finley, Gibson, Gaines of Chicot, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Roberts, and Steuart of Desha—16.

The members of the House voting for Mr. Johnson, are

Messrs. Fancher, Humphrey, Waters, and Wiley—4.

For Mr. Clendennin,

Messrs. Crutchfield, and Calvert of Saline—2.

For Mr. Conway B.

Messrs. Armstrong, Bizzell, Brazil, Collins, Conway, Field, Flanagan, Gray, Gage, Martin of Pulaski, Nott, Rust, Stewart of Clark, Scott, and Thompson—15.

For Mr. Sebastian,

Messrs. Cocke, Calvert of St. Francis, Hardwick, Hanly, Houston, Marks, Milligan, Peeler, Rieves of Crittenden, Roane, Robertson, Sullivan, and Mr. Speaker—13.

No one of the gentlemen nominated, having received a majority of all the joint votes, the Speaker declared no one elected; and ordered a call for the third ballotting.

Whereupon, the Secretary of the Senate, called the roll of that body; and it appeared that
Mr. Dickinson had received 2 votes.
Mr. Paschal " " 7 "
Mr. Johnson " " 4 "
Mr. Clendennin " " 0 "
Mr. Conway B. " " 1 "
Mr. Sebastian " " 6 "

When the call of the House was ordered; whereby it appeared that
Mr. Dickinson received 16 votes, making 18 joint votes.
Mr. Paschal " 16 " " 23 " "
Mr. Johnson " 3 " " 7 " "
Mr. Clendennin " 1 " " 1 " "
Mr. Conway B. " 19 " " 20 " "
Mr. Sebastian " 12 " " 18 " "

The members voting for Mr. Dickinson, are

Messrs. Byers, Bateman, Burke, Campbell, Counts, Cook, Finley, Gibson, Gaines of Chicot, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Roberts, and Steuart of Desha—16.

The members voting for Mr. Paschal, are

Messrs. Arrington, Baines, Blakemore, Cline, Gaines of Scott, Haynes, Martin of Franklin, Mayers, Miller, McClain, Parks, Reeves of Crawford, Stout, Tackett, Thompson, and Vaughan—16.

For Mr. Johnson,

Messrs. Humphrey, Waters, and Wiley—3.

For Mr. Clendennin—Mr. Crutchfield—1.

For Mr. Conway B.

Messrs. Armstrong, Bizzell, Brazil, Collins, Conway, Calvert of Saline, Field, Fancher, Flanagan, Gray, Gage, Greenwood, Martin of Pulaski, Nott, Rust, Stewart of Clark, Scott, and Mr. Speaker—19.

For Mr. Sebastian,

Messrs. Cocke, Calvert of St. Francis, Hardwick, Hanly, Houston, Marks, Milligan, Peeler, Rieves of Crittenden, Roane, Robertson, and Sullivan—12.

No one of the gentlemen nominated, having received a majority of all the joint votes, Mr. Speaker declared no one elected; and the call ordered for the fourth ballotting.

When the Secretary proceeded to call the roll of the Senate; and it appeared that

Mr. Dickinson received 2 votes,
Mr. Paschal, " 8 "
Mr. Johnson, " 2 "
Mr. Conway B. " 2 "
Mr. Sebastian, " 5 "

When the call of the House was made; it appeared that

Mr. Dickinson received 10 votes—making 12 joint votes,
Mr. Paschal, " 20 " " 28 " "
Mr. Johnson, " 3 " " 5 " "
Mr. Clendennin, " 1 " " 1 " "
Mr. Conway B. " 20 " " 22 " "
Mr. Sebastian, " 12 " " 17 " "

The members voting for Mr. Dickinson, are

Messrs. Byers, Bateman, Counts, Cook, Finley, Jeffrey, Lemoyne, Logan, Roberts, and Steuart of Desha—10.

The members voting for Mr. Paschal, are

Messrs. Arrington, Baines, Blakemore, Campbell, Cline, Gibson, Gaines of Chicot, Gaines of Scott, Haynes, Llewellyn, Martin of Franklin, Mayers, Miller, McClain, Peeler, Parks, Reeves of Crawford, Stout, Tackett, and Thompson—20.

For Mr. Johnson,

Messrs. Humphrey, Waters, and Wiley—3.

For Mr. Clendennin—Mr. Crutchfield—1.

For Mr. Conway B.

Messrs. Armstrong, Bizzell, Brazil, Collins, Conway, Calvert of Saline, Field, Fancher, Flanagan, Gray, Gage, Greenwood, Johnson, Martin of Pulaski, Nott, Rust, Stewart of Clark, Scott, Vaughan, and Mr. Speaker—20.

For Mr. Sebastian,

Messrs. Burke, Cocke, Calvert of St. Francis, Hardwick, Hanly, Houston, Marks, Milligan, Rieves of Crittenden, Roane, Robertson, and Sullivan—12.

No one of the gentleman nominated, having received the majority of all the joint votes, the Speaker declared that no choice was made; and ordered the roll to be called for the fifth time.

Whereupon, the Secretary of the Senate called the roll of that body, and declared the result.

Mr. Dickinson,	received	1	vote,
Mr. Paschal,	"	8	"
Mr. Johnson,	"	2	"
Mr. Conway B.	"	2	"
Mr. Sebastian,	"	7	"

When the roll of the House was called, and thereby appeared that

Mr. Dickinson	received	6	votes—	making	7	joint	votes,
Mr. Paschal,	"	21	"	"	29	"	"
Mr. Johnson,	"	4	"	"	6	"	"
Mr. Conway B.	"	20	"	"	22	"	"
Mr. Sebastian,	"	15	"	"	22	"	"

The members of the House voting for Mr. Dickinson, are

Messrs. Byers, Bateman, Counts, Cook, Jeffrey, and Roberts—6.

The members voting for Mr. Paschal, are

Messrs. Arrington, Baines, Campbell, Cline, Gibson, Gaines of Chicot, Gaines of Scott, Haynes, Llewellyn, Lemoyne, Logan, Martin of Franklin, Mayers, Miller, McClain, Peeler, Parks, Reeves of Crawford, Stout, Tackett, and Thompson—21.

For Mr. Johnson,

Messrs. Crutchfield, Humphrey, Waters, and Wiley—4.

For Mr. Conway B.

Messrs. Armstrong, Bizzell, Collins, Conway, Calvert of Saline, Field, Fancher, Flanagan, Gray, Gage, Greenwood, Johnson, Marks, Martin of Pulaski, Nott, Rust, Stewart of Clark, Scott, Vaughan, and Mr. Speaker—20.

For Mr. Sebastian,

Messrs. Brazil, Blakemore, Burke, Cocke, Calvert of St. Francis, Finley, Hardwick, Hanly, Houston, Milligan, Rieves of Crittenden, Roane, Robertson, and Steuart of Desha—15.

No one of the gentlemen having yet received the majority of all the joint votes, the Speaker declared that no one was elected, and ordered the call for the sixth ballotting.

When the Secretary of the Senate, called the roll of that body, whereby it appeared that

Mr. Dickinson received 1 vote,
Mr. Paschal, " 9 "
Mr. Conway B. " 2 "
Mr. Sebastian, " 8 "

When the roll of the House was called, and it appeared that

Mr. Dickinson received 4 votes—making 5 joint votes.
Mr. Paschal, " 24 " " 33 " "
Mr. Johnson, " 1 " " 1 " "
Mr. Conway B. " 20 " " 22 " "
Mr. Sebastian, " 19 " " 27 " "

The members of the House, voting for Mr. Dickinson, are

Messrs. Byers, Bateman, Calvert of St. Francis, and Roberts—4.

The members voting for Mr. Paschal, are

Messrs. Arrington, Baines, Campbell, Cline, Cook, Gibson, Gaines of Chicot, Gaines of Scott, Haynes, Humphrey, Llewellyn, Lemoyne, Logan, Martin of Franklin, Mayers, Miller, McClain, Peeler, Parks, Reeves of Crawford, Stout, Tackett, Thompson, and Vaughan—24.

For Mr. Johnson,

Mr. Waters—1.

For Mr. Conway B.,

Messrs. Armstrong, Bizzell, Collins, Conway, Crutchfield, Calvert of Saline, Field, Fancher, Flanagan, Gray, Gage, Greenwood, Johnson, Martin of Pulaski, Nott, Rust, Stewart of Clark, and Scott—20.

For Mr. Sebastian,

Messrs. Brazil, Blakemore, Burke, Cocke, Calvert of St. Francis, Finley, Hardwick, Hanly, Houston, Jeffrey, Marks, Milligan, Rieves of Crittenden, Roane, Robertson, Steuart of Desha, Sullivan, Wiley, and Mr. Speaker—19.

No one of the gentlemen nominated, having yet received a majority of all the joint votes, thereupon the Speaker announced, that no one was elected, and ordered the call for the 7th time.

When the Secretary of the Senate called the roll of the Senate, and it appeared that

Mr. Paschal received 9 votes,
Mr. Conway B., " 2 "
Mr. Sebastian, " 9 "

When the roll of the House was called, and it appeared that

Mr. Dickinson had received 3 votes, making 3 joint votes,
Mr. Paschal " 26 " " 35 "
Mr. Conway B., " 16 " " 18 "
Mr. Sebastian, " 20 " " 29 "

The members of the House, voting for Mr. Dickinson, are

Messrs. Bateman, Counts, and Waters—3.

The members of the House voting for Mr. Paschal, are

Messrs. Arrington, Baines, Byers, Campbell, Cline, Cook, Gibson, Gaines of Chicot, Gaines of Scott, Gage, Haynes, Humphrey, Llewellyn, Lemoyne, Logan, Martin of Franklin, Mayers, Miller, McClain, Peeler, Parks, Reeves of Crawford, Stout, Tackett, Thompson, and Vaughan—26.

For W. Conway B.,

Messrs. Armstrong, Bizzell, Collins, Conway, Crutchfield, Calvert of Saline, Field, Fancher, Flanagan, Gray, Greenwood, Martin of Pulaski, Nott, Roberts, Rust, Stewart of Clark, and Scott—16.

For Mr. Sebastian,

Messrs. Brazil, Blakemore, Burke, Cocke, Calvert of St. Francis, Finley, Hardwick, Hanly, Houston, Jeffrey, Johnson, Marks, Milligan, Rieves of Crittenden, Roane, Robertson, Steuart of Desha, Sullivan, Waters, and Mr. Speaker—20.

No one of the gentlemen nominated, having received a majority of all the joint votes, Mr. Speaker declared no one elected, and ordered the call for the 8th time.

Whereupon, the Secretary called the roll of the Senate, whereby it appeared that

Mr. Paschal received 10 votes,
Mr. Conway B., " 1 "
Mr. Sebastian, " 9 "

When the roll of the House was called, and it appeared that

Mr. Dickinson received 1 vote, making 1 joint vote,
Mr. Paschal " 32 " " 42 "
Mr. Conway B., " 13 " " 14 "
Mr. Sebastian, " 21 " " 30 "

The members of the House voting for Mr. Dickinson, are

Mr. Counts, 1.

For Mr. Paschal,

Messrs. Arrington, Baines, Byers, Bateman, Campbell, Cline, Cook, Gibson, Gaines of Chicot, Gaines of Scott, Gage, Greenwood, Haynes, Humphrey, Llewellyn, Lemoyne, Logan, Martin of Franklin, Mayers, McClain, Peeler, Parks, Reeves of Crawford, Roberts, Stout, Scott, Tackett, Thompson, Vaughan, and Wiley—32.

For Mr. Conway B.,

Messrs. Armstrong, Bizzell, Conway, Crutchfield, Calvert of Saline, Field, Flanagan, Gray, Martin of Pulaski, Nott, Rust, Stewart of Clark, and Waters—13.

For Mr. Sebastian,

Messrs. Brazil, Blakemore, Burke, Collins, Cocke, Calvert of St. Francis, Fancher, Finley, Hardwick, Hanly, Houston, Jeffrey, Johnson, Marks, Milligan, Rieves of Crittenden, Roane, Robertson, Steuart of Desha, Sullivan, and Mr. Speaker—21.

No one of the gentlemen nominated, having as yet received a majority of all the joint votes, Mr. Speaker declared no one elected, and ordered the roll called a ninth time.

Whereupon, the Secretary called the roll of the Senate, whereby it appeared that

Mr. Paschal received 11 votes; Mr. Sebastian, 9 votes.

When the roll of the House was called, and it appeared that

Mr. Paschal received 34 votes, making 45 joint votes,
Mr. Conway, B., " 6 " " 6 "
Mr. Sebastian, " 26 " " 36 "

The members voting for Mr. Paschal, are

Messrs. Arrington, Byers, Bateman, Campbell, Cline, Cook, Fancher, Flanagan, Gibson, Gaines of Chicot, Gaines of Scott, Gage, Greenwood, Haynes, Humphrey, Llewellyn, Lemoyne, Logan, Martin of Franklin, Mayers, Miller, McClain, Nott, Peeler, Parks, Reeves of Crawford, Roberts, Stout, Scott, Tackett, Thompson, Vaughan, and Waters—34.

For Mr. Conway B.,

Messrs. Bizzell, Conway, Crutchfield, Field, Gray, and Stewart of Clark—6.

For Mr. Sebastian,

Messrs. Armstrong, Brazil, Blakemore, Burke, Collins, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Finley, Hardwick, Hanly, Houston, Jeffrey, Johnson, Marks, Martin of Pulaski, Milligan, Rieves of Crittenden, Roane, Robertson, Rust, Steuart of Desha, Sullivan, Wiley, and Mr. Speaker—26.

When Mr. Speaker announced that

Mr. George W. Paschal had received a majority of all the joint votes, and was elected associate Judge of the Supreme Court of Arkansas, for the term prescribed by law.

When the President declared the convention of the two Houses in recess, till to-morrow, 10 o'clock.

Whereupon the Senate withdrew.

On motion of Mr. Mayers, the House adjourned.

Thursday, December 1st, 1842.

The House met pursuant to adjournment.

The Rev. W. W. Stevenson officiated as Chaplain.

When, on motion of Mr. Lemoyne, the reading of the journals, including the votes and ballotting of yesterday, was dispensed with.

Ten o'clock having arrived, the hour appointed yesterday for the election of circuit judges, and prosecuting attorneys of the several circuits, when the Senate were invited into the Representative Hall, and were seated; when the joint resolution convening the two Houses, was read, pursuant to which,

Mr. Speaker announced, that nominations for Judge of the first judicial circuit, were in order.

Whereupon, Mr. Calvert of St. Francis, nominated Beauford H. Neely.

Mr. Burke of Phillips, nominated John T. Jones.

Mr. Thompson of the Senate, nominated Wm. E. Butts; when the President of the Senate ordered a call, and the result is as follows:

Mr. Neely received 5 votes,
Mr. Butts " 10 "
Mr. Jones " 4 "

When the call of the House was made, and it appeared that

Mr. Neely received 14 votes, making 19 joint votes.
Mr. Butts " 22 " " 32 "
Mr. Jones " 29 " " 33 "

The members of the House voting for Mr. Neely, are

Messrs. Baines, Byers, Calvert of St. Francis, Finley, Llewellyn, Logan, McClain, Rieves of Crittenden, Robertson, Rust, Sullivan, Thompson, and Waters—14.

For Mr. Butts,

Messrs. Bizzell, Blakemore, Calvert of Saline, Fancher, Gaines of Scott, Gage, Greenwood, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Marks, Mayers, Milligan, Parks, Reeves of Crawford, Roberts, Roane, Vaughan, Wiley, and Mr. Speaker—22.

For Mr. Jones,

Messrs. Arrington, Armstrong, Bateman, Burke, Collins, Conway, Campbell, Cocke, Counts, Cline, Cook, Field, Flanagan, Gibson, Gaines of Chicot, Gray, Haynes, Johnson, Lemoyne, Martin of Pulaski, Martin of Franklin, Miller, Nott, Peeler, Stewart of Clark, Steuart of Desha, Stout, Scott, and Tackett—29

When Mr. Speaker declared, that no one of the gentlemen nominated had received the majority of all the joint votes; and the President of the Senate ordered the call of that body for a second ballotting, by which it appeared that

Mr. Neely received 5 votes.
Mr. Butts " 10 "
Mr. Jones " 4 "

When the roll of the House was called and the members voted, and it appeared that

Mr. Neely received 7 votes, making 12 joint votes.
Mr. Butts " 21 " " 32 "
Mr. Jones " 37 " " 41 "

The members of the House voting for Mr. Neely, are

Messrs. Calvert of St. Francis, Marks, Robertson, Rust, Sullivan, Thompson, and Waters—7.

The members voting for Mr. Butts, are

Messrs. Bizzell, Blakemore, Crutchfield, Fancher, Gage, Greenwood, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Mayers, Milligan, Parks, Reeves of Crawford, Reives of Crittenden, Roberts, Roane, Vaughan, Wiley, and Mr. Speaker—21.

For Mr. Jones,

Messrs. Arrington, Armstrong, Baynes, Byers, Bateman, Burke, Collins, Conway, Campbell, Cocke, Calvert of Saline, Counts, Cline, Cook, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of

Scott, Gray, Haynes, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Miller, McClain Nott, Peeler, Stewart of Clark, Steuart of Desha, Stout, Scott, and Tackett—37.

Mr. Speaker announced that no one of the gentlemen nominated had received the majority of all the joint votes, when Mr. President ordered the call of the Senate for the third time, whereby it appeared that

Mr. Butts received 10 votes.
Mr. Jones " 9 "

When the call of the House was made, and it appeared that
Mr. Neely received 1 vote, making 1 joint vote.
Mr. Butts " 26 " " 36 "
Mr. Jones " 34 " " 43 "

The members of the House voting for Mr. Neely, are
Mr. Marks—1.

For Mr. Butts,

Messrs. Baines, Bizzell, Crutchfield, Calvert of St. Francis, Fancher, Gage, Greenwood, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Mayers, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Rust, Thompson, Vaughan, Wiley, and Mr. Speaker—26.

For Mr. Jones,

Messrs. Arrington, Armstrong, Byers, Bateman, Burke, Collins, Conway, Campbell, Cocke, Counts, Cline, Cook, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Haynes, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Miller, McClain, Nott, Peeler, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Tackett, and Waters—34.

When the Speaker proclaimed that Mr. J. T. Jones, having received 43 votes, being a majority of all the joint votes, was duly elected judge of the first judicial circuit, for the time prescribed by law.

When the Speaker announced that nominations for judge of the 6th judicial circuit, were in order.

When Mr. Conway nominated John Field, of the House.

No other nominations being made, Mr. President ordered the call of the Senate, whereby it appeared that

Mr. Field received 13 votes; and there were 6 scattering votes.

When the roll of the House was called, and it appeared that

Mr. Field received 47 votes—making 60 joint votes, there being 14 scattering votes in the House.

The members voting for Mr. Field, are

Messrs. Armstrong, Byers, Bateman, Bizzell, Blakemore, Burke, Collins, Conway, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Cook, Fancher, Flanagan, Finley, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Hanly, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Nott, Peeler, Parks, Reeves of Crawford, Rieves of

Crittenden, Roane, Rust, Steuart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Tackett, Thompson, Vaughan, Waters, and Mr. Speaker—47.

When Mr. Speaker proclaimed, that John Field of Hempstead, had received a majority of all the joint votes, and was duly elected judge of the 6th judicial circuit of the State of Arkansas, for the time prescribed by law.

The Speaker now announced that nominations for circuit judge of the 7th judicial circuit, were in order.

When Mr. Mayers of Crawford, nominated Mr. R. C. S. Brown.
Mr. Ficklin, from the Senate, nominated Wm. C. Scott.
Mr. Gray, of the House, nominated W. W. Floyd.
Mr. Calvert of St. Francis, nominated D. S. Blackburn.

No further nominations being made, Mr. President ordered the roll of the Senate to be called, whereby it appeared that

Mr. Brown	received	4	votes.
Mr. Scott	”	9	”
Mr. Floyd	”	3	”
Mr. Blackburn	”	3	”

When the roll of the House was called, and it appeared, that

Mr. Brown	received	27	votes—	31	joint votes.
Mr. Scott	”	9	”	18	” ”
Mr. Floyd	”	14	”	17	” ”
Mr. Blackburn	”	15	”	18	” ”

The members of the House, who voted for Mr. Brown, are

Messrs. Armstrong, Bizzell, Burke, Collins, Conway, Counts, Field, Fancher, Flanagan, Gaines of Chicot, Haynes, Humphrey, Hardwick, Hanly, Johnson, Lemoyne, Mayers, Milligan, Nott, Parks, Reeves of Crawford, Roane, Rust, Stewart of Clark, Thompson, and Mr. Speaker—27.

The members who voted for Mr. Scott, are

Messrs. Arrington, Baines, Blakemore, Cocke, Calvert of Saline, Houston, Llewellyn, Martin of Pulaski, and Steuart of Desha—9.

The members who voted for Mr. Floyd, are

Messrs. Cline, Finley, Gage, Gray, Marks, Martin of Franklin, Miller, McClain, Robertson, Stout, Tackett, Vaughan, Waters, and Wiley—14.

For Mr. Blackburn,

Messrs. Byers, Bateman, Campbell, Crutchfield, Calvert of St. Francis, Cook, Gibson, Greenwood, Jeffrey, Logan, Peeler, Rieves of Crittenden, Roberts, Sullivan, and Scott—15.

When Mr. Speaker proclaimed that no one of the gentlemen nominated, had received the majority of all the joint votes; and ordered the roll to be called for a second ballotting; when Mr. Floyd withdrew from the nomination.

When the Secretary called the roll of the Senate, and it appeared that

Mr. Brown received 6 votes.
Mr. Scott ” 11 ”
Mr. Blackburn ” 2 ”

When the roll of the House was called, and it appeared that

Mr. Brown received 36 votes—42 joint votes.
Mr. Scott ” 20 ” 31 ” ”
Mr. Blackburn ” 9 ” 11 ” ”

The members of the House, who voted for Mr. Brown, are

Messrs. Armstrong, Bizzell, Burke, Collins, Conway, Counts, Field, Fancher, Flanagan, Gaines of Chicot, Gaines of Scott, Gage, Haynes, Humphrey, Hardwick, Hanly, Jeffrey, Johnson, Lemoyne, Logan, Mayers, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Rust, Stewart of Clark, Sullivan, Tackett, Thompson, Vaughan, Wiley, and Mr. Speaker—36.

For Mr. Scott,

Messrs. Arrington, Baines, Blakemore, Cocke, Calvert of Saline, Cline, Finley, Gibson, Gray, Houston, Llewellyn, Martin of Pulaski Martin of Franklin, Miller, Milligan, Robertson, Steuart of Desha, Stout, Scott, and Waters—20.

For Mr. Blackburn,

Messrs. Byers, Bateman, Campbell, Crutchfield, Calvert of St Francis, Cook, Greenwood, Marks, and McClain—9.

When Mr. Speaker proclaimed that no election was yet made; and ordered the roll to be called for the 3rd time.

When the Secretary called the roll of the Senate; by which it appeared that

Mr. Brown received 7 votes,
Mr. Scott “ 12 “
Mr. Blackburn was withdrawn from nomination.

When the roll of the House was called; and it appeared that

Mr. Brown received 43 votes—50 joint votes,
Mr. Scott “ 21 ” 33 ” ”

The members voting for Mr. Brown, are

Messrs. Armstrong, Bizzell, Burke, Collins, Conway, Calvert of St. Francis, Counts, Field, Fancher, Flanagan, Gibson, Gaines of Chicot, Gaines of Scott, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Mayers, Milligan, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Rust, Stewart of Clark, Sullivan, Scott, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—43.

For Mr. Scott,

Messrs. Arrington, Baines, Byers, Bateman, Blakemore, Campbell, Crutchfield, Cocke, Calvert of Saline, Cline, Cook, Finley, Gray, Houston, Martin of Pulaski, Martin of Franklin, Miller, McClain, Robertson, Steuart of Desha, and Stout—21.

When Mr. Speaker announced that Mr. Brown, having received the majority of all the joint votes, was duly elected judge of the 7th judicial circuit, for the term prescribed by law.

When nominations for prosecuting attorneys of the 1st judicial circuit, were declared in order.

Whereupon, Mr. Hanly, of the House, nominated Alonzo Thomas.

Mr. Collins, of the House, nominated Mr. W. N. Stanton.

No further nominations being made, the roll of the Senate was called, and it appeared that

Mr. Thomas received 7 votes.
Mr. Stanton " 12 "

When the roll of the House was called, and

Mr. Thomas received 21 votes—making 28 joint votes.
Mr. Stanton " 44 " " 56 " "

The members of the House voting for Mr. Thomas, are

Messrs. Conway, Calvert of Saline, Calvert of St. Francis, Counts, Fancher, Humphrey, Hardwick, Hanly, Mayers, Miller, Milligan, Reeves of Crawford, Rieves of Crittenden, Roane, Robertson, Rust, Stewart of Clark, Sullivan, Scott, Wiley, and Mr. Speaker—21.

The members of the House who voted for Mr. Stanton, are

Messrs. Arrington, Baines, Byers, Bateman, Bizzell, Blakemore, Burke, Collins, Campbell, Crutchfield, Cocke, Cline, Cook, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, McClain, Nott, Peeler, Parks, Roberts, Steuart of Desha, Stout, Tackett, Thompson, Vaughan, and Waters—44.

The Speaker proclaimed that Mr. Stanton had received a majority of all the joint votes, and is elected prosecuting attorney of the State of Arkansas, for the 1st judicial circuit, for the term prescribed by law.

When Mr. Speaker announced that nominations were in order for prosecuting attorneys for the 2nd judicial circuit.

Whereupon, Mr. Roane nominated J. W. Bockage.

Mr. Rust nominated Mr. Samuel Wooley.

When the roll of the Senate was called, and it appeared that

Mr. Bockage received 12 votes,
Mr. Wooley " 7 "

When the roll of the House was called, and it appeared that

Mr. Bockage received 22 votes—making 34 joint votes,
Mr. Wooley " 43 " " 50 " "

The members voting for Mr. Bockage, are

Messrs. Blakemore, Conway, Crutchfield, Calvert of St. Francis, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Hardwick, Houston, Martin of Pulaski, Milligan, Parks, Rieves of Crittenden, Roane, Robertson, Stout, Vaughan, Wiley, and Mr. Speaker—22.

The members voting for Mr. Wooley, are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Burke, Collins, Campbell, Cocke, Calvert of Saline, Counts, Cline, Cook, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Humphrey, Hanly, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Franklin, Mayers, Miller, McClain, Nott, Peeler, Reeves of Crawford, Roberts, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Scott, Tackett, Thompson, and Waters—43.

Whereupon, Mr. Speaker proclaimed that Mr. Samuel Wooley had received a majority of all the joint votes; and was duly elected prosecuting attorney for the second judicial circuit of the State of Arkansas, for the term prescribed by law.

Nominations for attorney of the 3rd judicial circuit, were now declared in order.

When Mr. Black, of the Senate, nominated Mr. A. R. Porter.

When the roll of the Senate was called; and it appeared that

Mr. Porter received 18 votes.

And on call of the roll of the House, Mr. Porter received 64 votes—making 82 joint votes.

The members of the House voting for Mr. Porter, are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Stewart of Clark, Stewart of Desha, Stout, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—64.

Whereupon, Mr. Speaker proclaimed that Mr. A. R. Porter, having received a majority of all the joint votes, was duly elected prosecuting attorney for the 3d judicial circuit of the State of Arkansas, for the term prescribed by law.

When Mr. Speaker announced that nominations for attorney for the 4th judicial circuit, were in order.

When Mr. Mitchell of the Senate, nominated Mr. A. M. Wilson.

Mr. Blakemore of the House, nominated Isaac Murphy.

The roll of the Senate was called, and it appeared that

Mr. Wilson received 55 votes—making 69 joint votes.
Mr. Murphy " 9 " " 14 " "

The members of the House voting for Mr. Murphy, are

Messrs. Bateman, Blakemore, Conway, Calvert of Saline, Counts, Hanly, Lemoyne, Stout, and Mr. Speaker—9.

The members of the House, voting for Mr. Wilson, are

Messrs. Arrington, Armstrong, Baines, Byers, Bizzell, Brazil, Burke, Collins, Campbell, Crutchfield, Cocke, Calvert of St. Francis, Cline, Cook, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Logan, Marks, Martin, of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Scott, Tackett, Thompson, Vaughan, Waters, and Wiley—55.

When Mr. Speaker proclaimed that Mr. A. M. Wilson, having received the majority of all the joint votes, and was duly elected prosecuting attorney for the 4th judicial circuit of the State of Arkansas, for the time prescribed by law.

Now, nominations for prosecuting attorney of the 5th judicial circuit, were declared in order.

When Mr. Martin of Pulaski, nominated R. W. Johnson.

When the roll of the Senate was called; and it appeared that

Mr. Johnson received 19 votes.

And the roll of the House was called; and it appeared that

Mr. Johnson received 65 votes—making 84 joint votes.

The members of the House voting for Mr. Johnson, are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—65.

Whereupon, Mr. Speaker proclaimed that Mr. R. W. Johnson, having received a constitutional majority of all the votes, was duly elected prosecuting attorney for the 5th judicial circuit of the State of Arkansas, for the time prescribed by law.

Nominations for attorney for the 6th judicial circuit, were now declared in order.

When, Mr. Armstrong of the House, nominated Mr. Grandison D. Royston.

No further nominations being made, the roll of the Senate was called; whereby it appeared that

Mr. Royston received 19 votes.

When the roll of the House was called; and it appeared that

Mr. Royston received 64 votes—making 83 joint votes.

The members of the House, voting for Mr. Royston, are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—64.

Whereupon, Mr. Speaker proclaimed that Mr. Grandison D. Royston, had received a constitutional majority of all the votes, and was duly elected prosecuting attorney for the 6th judicial circuit of the State of Arkansas, for the term prescribed by law.

Nominations for the 7th judicial circuit, were in order.

When Mr. Mayers, of the House, nominated Mr. William Walker.

Mr. Williamson, of the Senate, nominated Mr. Joseph J. Simmons.

When the roll of the Senate was called; and it appeared that

Mr. Walker received 16 votes,
Mr. Simmons " 3 "

When the roll of the House was called; and it appeared that

Mr. Walker received 62 votes—making 78 joint votes.
Mr. Simmons " 2 " " 5 " "

The members of the House, voting for Mr. Simmons, are

Messrs. Collins, and Haynes—2.

For Mr. Walker,

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Burke, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—62.

Whereupon, the Speaker proclaimed that Mr. Wm. Walker, had received the constitutional majority of all the votes, and was duly elected prosecuting attorney for the 7th judicial circuit of the State of Arkansas, for the term prescribed by law.

The business for which the two Houses of the General Assembly convened, being now accomplished, the Senate withdrew.

When, on motion of Mr. Cline, the House adjourned.

DECEMBER 2ND, 1842.
Friday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Keirne officiated as Chaplain.

When, on motion of Mr. Hanly, the reading of that part of the journal relating to the elections of yesterday, were dispensed with, except the results; omitting the votes of individuals, &c.

On motion of Mr. Conway, the rules of the House were dispensed with, and the business on the table, taken up.

The bill of the Senate, for the relief of William Gilchrist and C. L. Jeffries, was taken up, and read a first time; when,

On motion of Mr. Crutchfield, the rules of the House were dispensed with, and the bill read a second and third time, and passed; and was returned by message, to the Senate, whence it originated, with the assent of the House.

The bill of the Senate, entitled "an act for the relief of the estate of David R. Looney, deceased," was taken up, and read a first time, and ordered to a second reading.

The bill of the Senate, entitled "an act to repeal the 15th section of a law in the Revised Code, chapter 23," was read a first time, and ordered to a second reading.

The bill, of the Senate to be entitled "an act for the relief of Thomas S. Haynes, late sheriff of the county of Conway," was read a first time, and ordered to a second reading.

The bill of the House, entitled "an act for the relief of James B. Russell, executor of the last will and testament of George Russell, deceased," was read a first time, and ordered to a second reading.

The resolution of Mr. Rust, of Thursday last, was now taken up, and read, as follows:

Resolved, That the rules of the House last adopted, in relation to the calling of the roll by counties, and the same is hereby rescinded.

Which was rejected.

Mr. Armstrong's resolution of the 24th November, relative to asking an appropriation from the general government, to establish a road from Fort Smith to Laynesport, on Red river, and to build fortifications thereon, along the western border of the State, was taken up, and read; and,

On motion of Mr. Flanagan, was referred to a select committee, consisting of Messrs. Armstrong, Flanagan, Counts, and Mayers.

Mr. Count's resolution requesting the Supreme and Circuit judges, whose terms of service have not yet expired, to resign their commissions, or accept the reduced salaries as prescribed in the act of 28th November, 1842, regulating the salaries of officers, was taken up, and read; when,

Mr. Steuart of Desha, would amend by inserting after the word "judges of the Supreme and Circuit courts;" "also, the present Governor of this State."

Mr. Cocke moved to lay the amendment and resolution on the table, until the 4th July next.

When Mr. Peeler called for the ayes and noes.

And they were ordered; and the question decided negatively, by ayes 31—noes 33.

The members who voted affirmatively, are

Messrs. Armstrong, Blakemore, Collins, Conway, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Field, Flanagan, Finley, Gaines of Chicot, Haynes, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Marks, Martin of Pulaski, Martin of Franklin, Nott, Parks, Steuart of Desha, Sullivan, Stout, Scott, Thompson, Wiley, and Mr. Speaker—31.

The members voting negatively, are

Messrs. Arrington, Baines, Byers, Bateman, Burke, Campbell, Counts, Cline, Cook, Fancher, Gibson, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hanley, Lemoyne, Logan, Mayers, Miller, Milligan, McClain, Peeler, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Tackett, Vaughan, and Waters—33.

Mr. Calvert of Saline, would amend the amendment by adding "And also the members of this present General Assembly."

When Mr. Cocke moved to lay the whole on the table till the 4th July, 1843.

A warm debate now arose, in which several members ardently participated.

When Mr. Mayers called for the previous question, and was sustained.

When the question on Mr. Cocke's motion was put, and the ayes and noes were called for, and ordered, and the amendments and resolution laid on the table till 4th July, 1843, by ayes 33—noes 31.

The members voting affirmatively, are

Messrs. Armstrong, Blakemore, Collins, Conway, Crutchfield, Cocke, Calvert of St. Francis, Cook, Fancher, Flanagan, Finley, Gaines of Chicot, Gaines of Scott, Gage, Haynes, Humphrey, Hardwick, Jeffrey, Johnson, Marks, Martin of Pulaski, McClain, Nott, Parks, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Thompson, Vaughan, Wiley, and Mr. Speaker—33.

The members voting negatively, are

Messrs. Armstrong, Baines, Byers, Bateman, Bizzell, Burke, Campbell, Calvert of Saline, Counts, Cline, Field, Gibson, Gray, Greenwood, Hanley, Huston, Llewellyn, Lemoyne, Logan, Mayers, Miller, Milligan, Peeler, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Tackett, and Waters—31.

The bill of the House, entitled "an act authorizing the sale of merchandize in certain cases," was read a second time, and ordered to be engrossed for a third reading.

The bill changing the time of holding general elections in this State, was read a second time, and referred to a select committee, consisting of

Messrs. Logan, Llewellyn, Calvert of Saline, Martin of Pulaski, Field, Stout, and Wiley.

Also, a bill entitled entitled "an act to change the time of holding the general elections," was read a second time;

And was referred to the same committee as the above bill.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed the following bills, to wit:

"An act to establish and confirm the seat of justice of Poinsett county."

"An act for the relief of E. B. Alston, administrator of the estate of A. Sinclair, late sheriff of Johnson county," which are herewith enclosed, and the assent of the House respectfully invited.

The bill of the House, entitled "an act to suppress the practice of betting on elections," was read a second time, and referred to the committee on the judiciary.

The memorial to Congress of the United States, asking for a law to authorize the 16th sections of school land to be floated, when it shall be discovered to be poor and sterile, was read a second time, and referred to committee on education.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have adopted the following resolution;

"*Resolved*, That from the evidence reported by the committee appointed to receive and report the several propositions of the printers in this city, Eli Colby has offered and proposed to execute the public printing for a less sum than William E. Woodruff.

And also, a bill entitled "an act to call in the scrip of Pike county, and for other purposes."

A bill to be entitled "an act to repeal the 8th section of an act entitled an act defining the judicial circuits of this State, and prescribing the time of holding the courts therein, and for other purposes," and the concurrence of the House is invited.

A bill to be entitled "an act to call in the scrip of St. Francis county," was read a second time.

When, on motion of Mr. Sullivan, the rules were dispensed with, and the bill read a third time and passed; and was transmitted to the Senate for their assent thereto.

The resolution to memorialize the Congress of the United States, asking for an appropriation of 100,000 dollars to complete the military work at Fort Smith was read and adopted.

Mr. Collins moved to adjourn. 12 1-4 o'clock.

Mr. Robertson called for the ayes and noes, which were ordered, and the question on adjournment was negatived.

The members voting in the affirmative, are

Messrs. Armstrong, Collins, Conway, Crutchfield, Calvert of St. Francis, Flanagan, Gaines of Chicot, Haynes, Huston, Johnson and Sullivan—11.

The members voting negatively, are

Messrs. Baines, Bateman, Bizzell, Blakemore, Burke, Campbell, Cocke, Calvert of Saline, Counts, Cline, Cook, Fancher, Gibson, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hardwick, Hanly Jeffrey, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Roberts, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Stout, Scott, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—49.

On motion of Mr. Steuart of Desha, the House adjourned.

DECEMBER 3d, 1842.
Saturday morning, 9 o'clock.

The House met pursuant to adjournment.

Chaplain absent.

On motion of Mr. Miller, leave of absence was granted Mr. Martin of Franklin, on account of indisposition.

On motion of Mr. Conway, the rules requiring the call of the House, by counties, for petitions, were dispensed with, by 43 to 18, and reports from standing committees declared in order.

Mr. Crutchfield, from the committee on printing, on leave given,

Reported, That said committee had received written proposals from the several printers of this city, which proposals were now in the hands of the chairman of that committee in the Senate, where he had been instructed to report the same.

Mr. Field from the committee on ways and means, to whom was referred "the bill making certain appropriations," on leave given,

Reported the same back to the House with an amendment, recommending the further appropriation of 2,500 dollars for the contingent expenses of the Supreme Court.

On motion of Mr. Cocke, the bill was read a third time and passed, and was transmitted to the Senate for their assent.

Mr. Cocke from the committee on the judiciary, on leave given,

Reported, the resolution of the gentleman from Marion, proposing an amendment of the Constitution of the State of Arkansas, with an amendment.

Which was read a second time, recommending the same to the House for passage; and pursuant to instructions by resolution,

Reported a bill prescribing a time, by law, within which deeds conveying real estate, shall be recorded.

And also, having had under consideration "an act authorizing the circuit court judges of the sixth judicial district to repair the several court houses in said circuit,

Reported, That the committee deem the passage of such a law unconstitutional, and inexpedient.

Mr. Greenwood, from the committee on the judiciary, on leave given,

Reported, that the bill entitled "an act to repeal and amend the Statutes in this State in relation to estrays, by substitute;" which was read.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported, That they had presented the Governor "an act establishing the county of "Ouachita," for his signature and approval, on the 30th November.

Mr. Baines, from the committee to whom was referred the resolution enquiring into the expediency and propriety of changing the mode of voting in this State, on leave given,

Reported by bill, which was read.

Message from the Governor, by his private Secretary, R. W. Johnson:

Informing the House of his Excellency's approval, and signature, of "an act to establish the county of 'Ouachita,'" on the 30th of November, 1842.

Mr. Baines, from the committee to whom was referred the petition of several citizens of Carroll county, asking for a division of said county, on leave given,

Reported the same back to the House by bill entitled "an act to establish the county of Newton."

Mr. Stewart of Desha, from the committee to whom was referred the petition of Elizabeth J. Hinton, administratrix of the estate of Hugh C. Hinton, deceased, late sheriff and collector of Desha county on leave given,

Reported the same back to the House by bill entitled "an act for the relief of the estate of Hugh C. Hinton, deceased."

Mr. Counts, from the committee on Salt Springs, on leave given,

Reported, That the bill entitled "an act for the relief of settlers upon salt spring sections," back to the House without amendment.

Mr. Crutchfield, on leave given, introduced a bill entitled "an act for the relief of Luke E. Barber, clerk of the Supreme Court."

Which was read a first time.

When, on motion of Mr. Lemoyne, the rules of the House were, dispensed with, by 42 to 5; and

The bill read a second time, and ordered to be engrossed for a third reading on Tuesday next.

On motion of Mr. Counts, leave of absence was granted Mr. Calvert of Saline, for one day.

On motion of Mr. Cocke, leave of absence was granted Mr. Byers, for one week.

On motion of Mr. Mayers, the rules of the House were dispensed with, by 50 to 1, and he permitted to offer the following resolution:

Resolved, That the select committee on the Real Estate Bank, meet on Tuesdays, Thursdays, and Saturdays, and that the Senate be requested to concur herein.

When, Mr. Gaines of Scott, would amend, by inserting "and that the standing committee on banks meet on Mondays, Wednesdays, and Fridays."

Which was adopted.

When Mr. Mayers moved, that the rules be dispensed with that the question on the adoption of the resolution might be put.

Which was done, 58 dispensing; and

The resolution was adopted, and was transmitted to the Senate for their concurrence.

Mr. Gibson in the Chair.

On motion of Mr. Oldham, the resolution offered by that gentleman, proposing to amend the 15th section of article 6, title, Judicial Departments, and section 1 of the article to the establishment of Banks," was taken up, and read a second time.

When, on motion of Mr. Cocke, the rules were dispensed with, and the committee appointed by the chairman, 59 members dispensing;

When the Chairman announced

Messrs. Oldham, Hanly, Cocke, Rust, and Gaines of Scott.

On motion of Mr. Cocke, Mr. Llewellyn was added to the committee on banks.

The business on the table was now called for.

The bill of the Senate to repeal the 8th section of "an act entitled an act defining the judicial circuits of this State, and prescribing times of holding courts therein, and for other purposes," was read a first time, and ordered to a second reading.

The bill from the Senate, permanently establishing the county seat of Poinsett county, was read a first time.

When, on motion of Mr. Robertson, the rules of the House were dispensed with, and the bill read a second time, 50 to 10 dispensing;

When, on motion of Mr. Robertson, the rules of the House were dispensed with, and the bill read a third time, and passed; and was transmitted to the Senate for their assent.

The bill of the Senate for the relief of E. B. Alston, administrator of the estate of A. Sinclair, late sheriff of Johnson county, was read a first time; and

On motion of Mr. McClain, the rules of the House were dispensed with, 43 to 6, and the bill read a second time.

When, on motion of Mr. Mayers, the bill was referred to a select committee of three, consisting of

Messrs. Mayers, Cline, and McClain.

On motion of Mr. Milligan, the bill entitled "an act prescribing the times and places of holding the Supreme Court," was taken up and read a second time; and

On motion of Mr. Greenwood, made the order of the day for Tuesday next, in committee of the whole; and

On motion of Mr. Hanly, 100 copies were ordered to be printed.

The bill of the House entitled "an act to prohibit the issuing and circulation of change tickets," was read a second time, and referred to the committee on the judiciary.

The resolution to memorialize Congress on the necessity of more efficient fortifications on our western frontier, was read a second time, and referred to a select committee, consisting of

Messrs. Armstrong, Flanagan, Counts, and Mayers.

The bill of the House, fixing the salary of prosecuting attorneys, was read a second time.

When, on motion of Mr. Armstrong, the bill was referred to the standing committee on judiciary.

The bill of the House, entitled "an act relating to the overseers of roads in the county of Saline," was read a second time; and

On motion of Mr. Hardwick, was ordered to be engrossed, and made the order of the day on Tuesday.

Memorial to Congress asking for an appropriation to repair and complete the military road leading from the Missouri line to Red river, was read a second time; and

On motion of Mr. Greenwood, ordered to be engrossed for a third reading on Monday next.

The bill to call in the scrip of Johnson county, was read a second time; and

On motion of Mr. McClain, the rules were dispensed with, by 52 to 5 dispensing.

And the bill was read a third time, and passed; and was transmitted to the Senate for their assent.

The bill of the Senate, entitled "an act to extend the law under the subject of *Writs of Error*," was read a second time, and ordered to a third reading.

On motion of Mr. Roberts, the House adjourned.

DECEMBER 5th, 1842.
Monday morning, 9 *o'clock*.

The House met pursuant to adjournment.

The Rev. W. W. Stevenson officiated as Chaplain.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, tha the Senate have concurred in "a resolution of the House memorializing Congress for an appropriation to complete the military work at Fort Smith," and have transmitted a copy thereof to his Excellency, the Governor.

I am also instructed to inform your honorable body, that the Senat have assented to the bill from the House, entitled "an act makin certain appropriations," and have added an amendment to th same, which is, with the original bill, herewith returned, and th assent of your honorable body is asked to the amendment.

Petitions from counties were declared in order.

Mr. Bateman from Independence, presented a petition from severa citizens of Independence county, asking for a reduction of salaries and fees of all officers in the State, which was read; and

On motion of Mr. Llewellyn, referred to committee of 5, consisting of

Messsrs. Bateman, Llewellyn, Hanly, Mayers, and Martin of Pulaski.

Mr. Calvert of St. Francis, presented a petition from a large number of the citizens of St. Francis county, asking that a new county might be established from the counties of Marion, St. Francis, Pulaski, Jackson, and White, which was read; and

On motion of Mr. Calvert of St. Francis, it was referred to a select committee; and also,

The petition presented by Mr. Waters of Jackson county, from several citizens of said county, upon the same subject; the committee to consist of

Messrs. Calvert of St. Francis, Waters, Crutchfield, Johnson, Robertson, and Cook.

Mr. Johnson of Monroe, presented a petition from Wm. B. Duncan, asking for a law giving to the estate of W. Feribee the exclusive privilege of a ferry at the mouth of Cache.

Which, on motion of Mr. Hanly, was referred to a committee of three, consisting of

Messrs. Hanly, Collins, and Counts.

Mr. Calvert of Saline, presented a petition from 51 citizens, protesting against the proposed alteration of the county line between Saline and Pulaski counties, and asking for the re-establishment of the old line, which was altered in the year 1838; which was referred to the committee on counties and county lines.

Mr. Stout of Washington, presented a petition from Lucius C. Pleasants, late sheriff of Washington county, asking for a law authorizing the county court of Washington to appoint a special collector to collect the arrearages of taxes in said county, &c.; which was referred to a committee consisting of

Messrs. Stout, Conway, Vaughan, Reeves of Crawford, and Blakemore.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to a bill from the House, entitled "a bill to call in the scrip of Johnson county, which is herewith returned.

I am also instructed to inform your honorable body, that the Senate have assented to the bill from the House, entitled "an act to call in the scrip of St. Francis county," which is herewith returned.

The Senate have also passed a bill to be entitled "an act authorizing the judges of the circuit courts of this State to exchange circuits, and hold courts for each other," with the following amendments by way of rider:

By prefixing to the 6th, 7th, 8th, and 9th sections, the words "And be it further enacted, that," and the assent of the House is asked to the bill and amendment, which is herewith enclosed.

The Senate have also assented to the amendment of the House, to the bill entitled "an act for the relief of E. B. Alston, administrator," &c., which is herewith returned, with the original bill.

No reports from standing committees.

When, reports from select committees were declared in order.

Mr. Mayers, from the committee to whom was referred the bill of the Senate, entitled "an act for the relief of E. B. Alston, administrator of the estate of A. Sinclair, late sheriff of Johnson county," on leave given,

Reported the same with an amendment.

When, Mr. McClain moved to dispense with the rules, that the amendment might be read and adopted, which was carried, 46 to 8.

And the bill as amended, was read a third time, and passed; and was returned to the Senate, whence it originated.

Mr. Gibson, from the committee to whom was referred the petition of the citizens of Hot Spring county, on leave given,

Reported by bill entitled "an act to divide Hot Spring county, and establish the county of Montgomery;" when

The rules were dispensed with, 52 to 6, and the bill read a first, second, and third time, and passed; and was transmitted to the Senate for their concurrence.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following bill, to wit:

A bill to be entitled "an act to repeal the 83d and 97th sections of the 4th chapter of the Revised Statutes, and to simplify the manner of prosecuting claims against the estate of deceased persons," and the assent of the House is asked thereto.

On motion of Mr. Baines, the rules of the House were dispensed with, 43 to 11, that the bill establishing the county of Newton might be taken up, which was read a first time; when

The rules were dispensed with, 57 to 5; and

The bill read a second and third time, and passed; and was transmitted to the Senate for their assent.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported, That the bill entitled "an act to call in the scrip of Pike county," was correctly enrolled; which, when signed by the Speaker, was transmitted to the Senate for the President's signature.

Mr. Martin of Pulaski, from the committee to whom was referred the petition of Lemuel R. Lincoln, on leave given,

Reported by bill entitled "an act for the relief of Lemuel R. Lincoln."

Mr. Greenwood of Benton, pursuant to notice, introduced a bill entitled, "an act to explain and amend the statutes of this State so far as concerns the granting of appeals in certain cases," which was read a first time, and ordered to a second reading.

Mr. Llewellyn of Chicot, pursuant to notice, introduced a bill to be entitled "an act amendatory of the law in this State, as to bills of exchange and other negotiable instruments," which was read a first time, and ordered to a second reading; when the rules were dispensed with, 54 to 6, that he might introduce the following bill entitled "an act further to regulate proceedings upon executions," which was read a first time; when,

On motion of Mr. Martin of Pulaski, 100 copies were ordered to be printed.

On motion of Mr. Reeves of Crawford, Mr. Baines was added to the committee on the Real Estate Bank.

On motion of Mr. Haynes, Mr. Martin of Pulaski, was added to the committee on counties and county lines.

Mr. Mayers of Crawford, offered the following:

Resolved, That a select committee of three be appointed to call on the Right Reverend Bishop Otey, and request him to furnish the House with a copy of his address on education, as delivered to this House.

Which was adopted.

Whereupon, Mr. Speaker appointed

Messrs. Mayers, Nott, and Finley such committee.

Mr. Flanagan, pursuant to notice, introduced a bill to be entitled "an act to punish persons for enticing away slaves," which was read a first time, and ordered to a second reading.

Mr. Lemoyne of Conway, offered the following:

Resolved, That the House of Representatives meet every morning, at 9 o'clock, and continue in session until 2 o'clock, P. M., and that a motion for adjournment shall not be entertained unless sustained by two thirds of the House, between the hour of 9 and 1 o'clock, any rule of the House to the contrary, notwithstanding.

Which was read, and laid on the table for one day.

Mr. Collins of Crittenden, gave notice, that on Thursday next, he would ask leave to introduce a bill to amend the 7th section of the act regulating the discipline of the Penitentiary.

Mr. Steuart of Desha, offered the following:

Resolved, That the select committee appointed to investigate the affairs of the Real Estate Bank, enquire and report to this House as speedily as possible, what connection, if any, the present Executive of this State has had with the Real Estate Bank, or any of its branches, and what influence he exerted, and what share he took in placing the western branch of that bank into operation; and also, as to what appointment he made of State directors in that bank and its branches; and whether some of the men so appointed by him, were not notoriously bankrupt, and to his knowledge, not stockholders, in that bank, when appointed.

Which was read, and adopted.

Mr. Field of Hempstead, offered the following resolution:

Resolved, That a committee of five, be appointed to visit the penitentiary of this State, and examine into the condition, treatment, and discipline, and number of the convicts, and whether they are secure, and what additional improvements or additions are necessary; and that said committee report at as early a day as practicable; also enquire into the proper means of moral and religious improvement of said convicts; and that the report of the superintendant of the penitentiary, accompanying the Governor's message, be referred to the same committee.

Which was adopted.

Whereupon, the Speaker appointed Messrs. Field, Cline, Milligan, Sullivan, and Mayers, such committee.

Mr. Gibson of Hot Spring, offered the following:

Resolved, That the standing committee on internal improvements, be instructed to enquire into, and ascertain, as near as practicable, the quality of the lands selected and located by the commissioners appointed by the Governor, under the act of Congress granting to the State of Arkansas, 500,000 acres of land, for the purpose of internal improvements; and also to ascertain how far such locations are binding upon the State, with or without the recognition of the General Assembly, or the Executive; and report the result of their enquiries to this House, as soon as practicable.

Which was read, and adopted.

Mr. Jeffrey of Izard, pursuant to notice, introduced a bill to be entitled "an act to call in the scrip of Izard county."

Which was read a first time; and

On motion of Mr. Counts, the rules of the House were dispensed with, 49 to 10, and the bill read a second and third time, and passed; and was transmitted to the Senate, for their assent.

Mr. Roane of Jefferson, gave notice that, on to-morrow, on leave given, he would introduce a bill entitled "an act to amend the 102nd chapter of the Revised Statutes, title, *Ne-exeat*.

Mr. McClain of Johnson, offered the following:

Resolved, That when any member shall move to dispense with any standing rules of the House, he shall make his motion in writing; specifying what particular rule he desires to suspend.

Which was rejected.

Mr. Nott of Lafayette, gave notice that, on Wednesday next, with leave of the House, he would introduce a bill entitled "an act for the relief of James Abrahams, sheriff of Lafayette county."

Mr. Humphrey of Lawrence, pursuant to notice, introduced a bill to be entitled "an act for the relief of George W. Wells."

Which was read a first time.

When, on motion of Mr. Roberts, the rules were dispensed with, 53 to 5, and the bill read a second time.

When Mr. Cline offered to amend in the 7th line, by inserting after the word "merchandise," the words "except intoxicating liquors."

When Mr. Mayers called for the ayes and noes, on the adoption of the amendment.

Which were ordered; and the question decided in the affirmative, by ayes 54—noes 6.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Baines, Bateman, Brazil, Blakemore, Burke, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Miller, Milligan, McClain, Peeler, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—54.

The members who voted in the negative, are

Messrs. Bizzell, Collins, Houston, Mayers, Nott, and Robertson—6.

When, on motion of Mr. Crutchfield, the bill was referred to a select committee, consisting of Messrs. Crutchfield, Humphrey, and Mayers; with instructions to report by preamble, to the bill, setting forth the reasons for so special a privilege granted to any individual.

On motion of Mr. Finley, the House adjourned.

December 6th, 1842.
Tuesday morning, 9 *o'clock*.

The House met pursuant to adjournment.

The Rev. Mr. Keirn officiated as Chaplain.

Petitions from counties, were declared in order.

Mr. Hanly of Phillips, presented a petition from A. H. Rutherford, praying for a law to authorise him to sell portions of lands of the estate of Eli J. Lewis, sufficient to pay off the demands against said estate.

Which was read, and referred to a committee of three, consisting of Messrs. Hanly, Roane, and Field.

Mr. Crutchfield of Pulaski, presented a petition from E. A. More, asking for compensation as commissioner of the penitentiary.

Which was read, and referred to a committee, consisting of Messrs. Crutchfield, Lemoyne, and Cocke.

And also, a petition from David Royster, asking for a law authorising the Auditor of the State to make a deed of certain real estate to him, the said Royster, upon his complying with the law.

Which was read, and referred to a committee of three, consisting of Messrs. Crutchfield, Lemoyne, and Cocke.

Mr. Milligan of Lawrence, presented a petition from several citizens of the county of Lawrence, asking for the reduction of the salaries and fees of all State officers.

Which was read, and referred to a committee, consisting of Messrs. Milligan, Bateman, Llewellyn, Hanly, Mayers, and Martin of Pulaski.

Mr. Mayers of Crawford, presented a memorial from Alfred Wallace, of Washington county, asking relief from expenses incurred in bringing to justice a runaway slave, guilty of larceny, &c.

Which was read, and referred to a committee of five, consisting of Messrs. Mayers, Brazil, Hanly, Conway, and Greenwood.

Mr. Speaker announced that reports from standing committees, were in order.

Mr. Greenwood, from the committee on enrollments, on leave given, reported, that the bill entitled "an act to call in the scrip of Pike county," was, on the 5th day of this month, presented to the Governor for signature.

Mr. Mayers, from the select committee appointed to wait on the Right Reverend Bishop Otey, and solicit from him a copy of the address delivered by that gentleman on education, on Thursday last, on leave given, reported, that the committee had called on his Reverence, and had received the following in reply:

LITTLE ROCK, DEC. 5TH, 1842.

Mr. A. G. Mayers, Chairman of Committee:

DEAR SIR—I have the pleasure of acknowledging your note of this date, requesting in compliance with a resolution of the House of Representatives, a copy of my address delivered last Thursday, on the subject of education. It would gratify me much to meet the wishes expressed in your communication, at once; but being obliged to leave the city in the morning, it is out of my power. I will endeavor, how ever, in a few days, to place a copy at your disposal.

Your friend and Servant,

JA. H. OTEY.

Mr. Conway, of the select committee to whom was referred the petition of Edward Cross, asking to move a public road, on leave given, reported by bill entitled "an act to amend the statutes concerning roads and highways."

Mr. Logan, of the committee to whom was referred the bills of the House, entitled "an act to change the time of holding the general elections of this State," on leave given, reported a substitute for both bills, a bill entitled "an act to change the time of holding the general elections of this State."

Mr. Finley, of the committee to whom was referred the resolution relative to the boundary line between Missouri and Arkansas, on leave given, reported by bill entitled "an act to survey and mark out the northern boundary line of this State."

On leave given, the minority of the committee to whom was referred the two bills of the House altering the time of holding the elections in this State, consisting of Messrs. Field, Llewellyn, and Martin of Pulaski, made a counter report, remonstrating against a change of times for holding elections in this State.

Mr. Roberts of Marion, pursuant to notice, introduced a bill to provide for the distribution of the 5 per cent. fund, to the several counties of the State.

Which was read a first time, and ordered to a second reading.

Mr. Campbell of Searcy, offered the following:

Resolved, That a select committee of five, be appointed, whose duty it shall be to examine the laws of this State, concerning roads and highways; and report such changes and amendments thereto, as in their opinion, are necessary, by bill or otherwise, at as early a day as practicable.

And be it further resolved, That the select committee whose duty it is to examine the penitentiary of this State, and convicts therein, be further required to examine the extent as far as practicable, of the education of each inmate, and note the result of their examination in their report.

Which was adopted, and the committee appointed, consisting of Messrs. Campbell, Thompson, Flanagan, Llewellyn, and Johnson.

Mr. Finley of Mississippi, pursuant to notice, introduced a bill entitled "an act regulating proceedings in writs of *Certiorari and Supercedeas*."

Which was read a first time, and ordered to a second reading.

When, on motion of Mr. Gibson, 100 copies were ordered to be printed.

Mr. Johnson of Monroe, offered the following as an amendment to the Constitution of the State of Arkansas.

Resolved, That all preachers of the gospel, or priests of any religious denomination, shall not be eligible to a seat in either House of the General Assembly of this State.

Which was read; and laid on the table, for one day.

Mr. Hanly of Phillips, on leave given, introduced a bill entitled "an act to repeal the first section of the 127th chapter of the Revised Statutes, and to provide for the election of a reporter of the decisions of the Supreme court."

Which was read a first time, and ordered to a second reading.

Mr. Logan of Pope, gave notice that he would, on Tuesday next, ask leave to introduce a bill to be entitled "an act to legalise the location of the county seat of Pope county, and all the proceedings had by the several courts thereat."

Mr. Tackett of Pope, gave notice that he would, on Thursday next, ask leave to introduce a bill to be entitled "an act to repeal the 11th section of the 91st chapter of the Revised Statutes, under the head of limitations, and for other purposes."

On motion of Mr. Houston, Mr. Hardwick was added to the committee on internal improvements.

Mr. Martin of Pulaski, gave notice that, on to-morrow, he would ask leave to introduce a bill concerning the canceling and renewing of county scrip.

Mr. Calvert of Saline, gave notice that he would, on to-morrow, introduce a bill prescribing the mode of assessing taxes by the sheriffs of this State," &c.

Mr. Brazil of Saline, gave notice that he would, on Friday next, introduce a bill to incorporate a University for the State of Arkansas, and for other purposes.

On motion of Mr. Armstrong of Sevier, Mr. Martin of Pulaski was added to the standing committee on banks. Mr. Rust of Union, offered the following:

Resolved, That the committee on public printing be instructed to take bond from Eli Colby for the execution of the public printing upon the terms agreed upon by him, and that the committee submit the same to this House at the earliest practicable time, say day after to-morrow, and that the Senate be requested to concur herein.

When, on motion of Mr. Logan, the rules of the House were dispensed with, 56 to 5, and the resolution was adopted and transmitted to the Senate for their assent.

Mr. Counts of Van Buren, gave notice, that on to-morrow he would introduce a bill to establish a State land office, and for other purposes.

Mr. Arrington, pursuant to notice, introduced a bill entitled "an act to amend the law of administrations."

When the rules of the House were dispensed with, 55 to 6, and the bill read a second time; when

Mr. Hanly moved that 100 copies be printed.

Mr. Hardwick called for the ayes and noes, and they were ordered, and the motion carried, 39 ayes to 20 noes.

The members voting affirmatively, are

Messrs. Arrington, Bateman, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Gibson, Gaines of Chicot, Haynes, Hanly, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Marks, Miller, McClain, Nott, Peeler, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Tackett, Thompson, and Mr. Speaker—39.

The members voting negatively, are

Messrs. Armstrong, Baines, Brazil, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hardwick, Huston, Jeffrey, Johnson, Mayers, Milligan, Parks, Reeves of Crawford, Vaughan, and Wiley—20 noes.

Mr. Crutchfield in the Chair.

Mr. Cline of Washington, offered the following resolution:

Resolved, That a committee of three be appointed, whose duty it shall be to ascertain who are the securities of William McK. Ball, late cashier of the branch of the Bank of Arkansas, at Fayetteville; whether said securities are solvent, or not? What steps have been taken in relation to the official bond of said cashier? Whether, or not, he has, since his defalcation and removal from office, received from said branch bank, money, claimed by him as part of his salary? To ascertain if the board of directors of said branch bank have, within the last twelve months, employed the capital of the bank to purchase State bonds? if so, to what amount? what sum was expended in making such purchase? And also, if said directory had official authority to make such purchase? That they be empowered to send for persons and papers to do all things in relation to the premises that they may deem proper and necessary, and that they report, by bill or otherwise, at as early a period as practicable.

Which was read; and Mr. Oldham offered the following amendment:

Resolved further, That the said committee further enquire, by what means the said William McK. Ball, was enabled to get himself and property out of the State of Arkansas? who it was that enabled him to effect said removal? by what means he received notice that a writ of *Ne-exeat* had been granted his securities against him, and which notice enabled him to elude the officer charged with the execution of the writ?

When Mr. Arrington offered the following amendment to the amendment of Mr. Oldham:

Resolved further, That said committee further enquire, who was said Ball's partner at the time the books of said bank were stolen? And who was the attorney for said bank? whether said attorney did not, before and since elected attorney for said bank, tell debtors to said bank that he could clear them from their liabilities? and whether said attorney did not sign his name to a declaration against said Ball and his securities, of whom he was one, and whether he has not since withdrawn from the prosecution of said suit? And furthermore, whether the person who gave said Ball notice that a writ of *Ne-exeat* had issued, was not said Ball's attorney?

Which amendment Mr. Oldham accepted to.

Mr. Martin of Pulaski, moved to lay the whole matter on the table, indefinitely.

Mr. Arrington called for the ayes and noes, and they were ordered, and the question was lost, 20 ayes to 26 noes.

The members voting affirmatively, are

Messrs. Baines, Bateman, Brazil, Conway, Campbell, Crutchfield, Calvert of Saline, Counts, Cocke, Fancher, Gaines of Scott, Greenwood, Haynes, Humphrey, Hardwick, Marks, Martin of Pulaski, Rieves of Crittenden, Robertson, and Wiley—20 ayes.

The members voting negatively, are

Messrs. Arrington, Armstrong, Blakemore, Burke, Cline, Gibson, Gaines of Chicot, Gray, Gage, Huston, Jeffrey, Johnson, Llewellyn, Logan, Mayers, Milligan, McClain, Parks, Roberts, Stewart of Clark, Steuart of Desha, Stout, Tackett, Thompson, and Vaughan—26.

Mr. Mayers moved the adoption of the amendment as amended; which was carried.

When Mr. Mayers moved the adoption of the resolution, as amended.

Mr. Logan called for the ayes and noes, which were ordered, and the resolution adopted, by ayes 28, to noes 22.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Bateman, Brazil, Blakemore, Burke, Campbell, Cline, Gaines of Chicot, Gray, Gage, Huston, Jeffrey, Llewellyn, Logan, Mayers, Milligan, McClain, Parks, Reeves of Crawford, Roberts, Rust, Stewart of Clark, Steuart of Desha, Stout, Tackett, Thompson, and Vaughan—28.

The members voting negatively, are

Messrs. Baines, Collins, Conway, Crutchfield, Cocke, Calvert of Saline, Counts, Cook, Fancher, Finley, Gibson, Gaines of Scott, Greenwood, Haynes, Humphrey, Hardwick, Johnson, Marks, Martin of Pulaski, Rieves of Crittenden, Robertson, and Wiley—22.

On motion of Mr. Conway, the House adjourned.

December 7th, 1842.
Wednesday morning, 9 o'clock.

The House met pursuant to adjournment.

No Chaplain present.

The roll was called: seven members absent.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill which originated in the House entitled "an act to divide the county of Hot Spring, and to establish the county of Montgomery," which is herewith returned.

The Senate have also passed the following bills:

A bill to be entitled "an act to authorize the Auditor to draw warrants on the Treasurer in certain cases;" and a bill to be entitled "an act regulating the mode of proceeding in recognizances in criminal cases," with the amendment thereto appended; which bills are herewith enclosed, and the assent of the House is invited thereto.

On motion of Mr. Hanly, the rules of the House were dispensed with, 47 to 10, to take up the business on the table.

When Mr. Gibson moved to reconsider the last vote, dispensing with the rules, which was carried.

Mr. Gibson now moved to take up the orders of the day, which was lost.

Petitions from counties were declared in order.

None were presented.

Reports from standing committees were declared in order.

When Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled the bill entitled "an act for the relief of E. B. Alston, administrator of the estate of A. Sinclair, late sheriff of Johnson county;" also, the bill entitled "an act to call in the scrip of St. Francis county;" and also, "an act to call in the scrip of Johnson county."

Mr. Hardwick moved to dispense with the rules of the House, to take up the orders of the day: lost, 26 to 30.

Mr. Speaker now announced that reports from select committees were in order; and no reports made.

Motions and resolutions by counties were declared in order, when the call was made by counties, beginning where the call was suspended on yesterday.

Mr. Cook of White, gave notice that, on Friday, he would introduce a bill requiring certain lands to be listed with the assessor of the proper county for taxation.

Mr. Parks of Yell, pursuant to notice, introduced "an act to lay out and establish a road from Little Rock to Fort Smith, on the south side of the Arkansas river," which was read a first time, and ordered to a second reading.

Mr. Arrington of Washington, pursuant to notice, introduced a bill to be entitled "an act to provide for the more effectual punishment of the crime of rape."

When the rules were dispensed with, 56 to 5, and the bill read a first, second, and third time, and passed; and was transmitted to the Senate for their assent thereto.

Mr. Counts of Van Buren, pursuant to notice, introduced a bill entitled "an act to establish a State Land Office, and for other purposes;" which was read, and

Mr. Peeler moved that 100 copies be printed.

Mr. Mayers called for the ayes and noes on the motion to print.

They were ordered, and the motion lost, by ayes 11—noes 46.

The members voting affirmatively, are

Messrs. Arrington, Armstrong, Bateman, Bizzell, Burke, Collins, Gaines of Chicot, Haynes, Hanly, Llewellyn, and Peeler—11.

The members voting negatively, are

Messrs. Baines, Brazil, Blakemore, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Finley, Gibson, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hardwick, Jeffrey, Johnson, Lemoyne, Logan, Marks, Martin of Pulaski, Mayers, Miller, Milligan, McClain, Nott, Parks, Reeves of Crawford, Rieves of Crittenden, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Thompson, Vaughan, Wiley, and Mr. Speaker—46.

When on motion of Mr. Counts, the rules of the House were dispensed with, 48 to 13, and the bill read a second time, and referred to committee on internal improvements.

Mr. Rust of Union, offered the following preamble and resolution:

Whereas the charter of the Real Estate Bank of the State of Arkansas, has never been declared forfeited by the judicial tribunals of the country, and as a decision to that effect may be necessary before any law or enactments passed by this legislature in relation to said bank, can be executed,

Therefore, be it resolved by the General Assembly of the State of Arkansas, That his Excellency Governor Yell in behalf of, and as the representative of the State of Arkansas, be required immediately to institute such proceedings as may be necessary to determine whether, or not, that charter has been forfeited, and that the concurrence of the Senate be asked.

Which was read, and laid on the table for one day.

Mr. Armstrong gave notice that, during the session of this legislature, he would introduce a bill asking an appropriation out of the funds which may hereafter arise from the proceeds of the sales of the 500,000 acres donated by the General Government for the improvement of the navigation of Little river, from its mouth to the Choctaw line.

Mr. Gaines of Scott, gave notice that, on Monday, he would ask leave to introduce a bill concerning the acceptance of the 500,000 acres of land donated to this State by Congress, and the confirmations of the selections and locations made by commissioners appointed by the Executive.

Mr. Thompson of Scott, pursuant to notice, introduced a bill entitled "an act to give further time to actual settlers, who have attempted to secure homes under the provisions of 'an act entitled an act to donate to actual settlers the right of the State to certain forfeited lands.'"

Which was read a first time, and ordered to a second reading.

Mr. Brazil of Saline, gave notice that, on Saturday, he would introduce a bill for an appropriation of two thousand dollars, to clear out the Saline and Ouachita rivers.

Mr. Houston of Randolph, pursuant to notice, introduced a bill entitled "an act to appropriate $1500 for the improvement of the navigation of the Currant river."

Which was read a first time, and ordered to a second reading.

Mr. Martin of Pulaski, pursuant to notice, introduced a bill entitled "an act providing for the cancelling and renewing county scrip;"

Which was read; when

Mr. Martin moved to dispense with the rules of the House for a second reading.

Which motion was lost by 1 to 60.

Mr. Robertson of Poinsett, gave notice that he would, on Friday next, ask leave to introduce a bill to be entitled "an act for the relief of traders on the St. Francis river."

Mr. Hanly of Phillips, gave notice that, on to-morrow, he would ask leave to introduce a bill entitled "an act concerning fees in certain cases.

Mr. Johnson of Monroe, pursuant to notice, introduced a bill entitled "an act more certainly to provide for the payment of the members of the General Assembly of the State of Arkansas, of 1842."

Which was read a first time, and ordered to a second reading.

On motion of Mr. Vaughan, leave of absence was granted Mr Scott for 3 days.

Mr. Humphrey of Lawrence, pursuant to notice, introduced a bill entitled "an act for the improvement of Black river."

Which was read a first time, and ordered to a second reading.

Mr. Nott of Lafayette, gave notice that he would, on to-morrow, beg leave to introduce a bill to be entitled "an act to incorporate the Lafayette Academy."

Mr. McClain of Johnson, offered the following:

Resolved, That the standing committee on Militia, be instructed to enquire into the expediency of altering the law in regard to Court Martials, and the powers now conferred upon the Judge Advocates; and report the result of their investigations at as early a day as convenient, by bill or otherwise.

Message from the Governor, by his Private Secretary, George Conway, signifying his approval of the bill entitled "an act to call in the scrip of Pope county, and for other purposes," approved the 4th December, 1842.

Mr. Roane of Jefferson, pursuant to notice, introduced a bill to be entitled "an act to amend the 102nd chapter of the Revised Statutes of the State of Arkansas, title, "*Ne-exeat.*"

Which was read a first time, and ordered to a second reading.

Mr. Gibson of Hot Spring, offered the following:

Resolved, That no other bills or resolutions designed to have the effect of bills, except those for which previous notice has been given, shall be introduced after this day, until all the business now upon the Speaker's table, shall be disposed of.

Which was adopted.

Mr. Hardwick of Green, gave notice that, on Monday, he would introduce "a bill to establish a road from Jackson, in Lawrence county, to Gainesville, in Green county, thence to the St. Francis river, intersecting the road from New Madrid."

Mr. Miller of Franklin, pursuant to notice, introduced a bill to be entitled "an act to mark out and survey a state road from the city of Little Rock, to run on the north side of the river Arkansas, to the town of Van Buren, in Crawford county."

Which was read a first time, and ordered to a second reading.

Mr. Steuart of Desha, offered the following:

Resolved, That the committee on the judiciary, be instructed to enquire and report to this House, whether the present Executive of this State has or has not attempted to degrade the judiciary of this State, by appointing improper men to fill vacancieson the bench, by attempting to overawe and influence the Supreme Court, as is recorded in the opinion of Mr. Justice Dickinson, delivered in a certain case; also, the Executive's letter concerning said opinion; and whether the Executive interfered in an unbecoming manner, in regard to the election of Supreme Judge.

Mr. Rust moved to lay the resolution on the table, till the 1st January, 1844.

Mr. Stewart of Clark, called for the ayes and noes.

Which were ordered; and the question decided by ayes 50—noes 6.

The members voting in the affirmative, are,

Messrs. Armstrong, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Mayers, Miller, Milligan, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roane, Robertson, Rust, Stewart of Clark, Sullivan, Stout, Vaughan, Wiley, and Mr. Speaker—50.

The members who voted in the negative, are,

Messrs. Arrington, Gibson, Gaines of Chicot, McClain, Steuart of Desha, and Thompson—6.

Mr. Collins of Crittenden, pursuant to notice, introduced a memorial to the Congress of the United States, respecting the selecting of a site to establish a naval depot and dock yard, and the intended western Armory.

Which was read, and ordered to a second reading.

Mr. Rieves of Crittenden, gave notice that, on leave, he would introduce a bill on next Monday, giving the non-residents liberty to pay their taxes to the Auditor of public accounts, or to the collector in each county in this State.

Mr. Lemoyne of Conway, gave notice that, on to-morrow, he would introduce a resolution to rescind the rules of the House prescribing the order of business by alphabetical call.

Mr. Haynes of Conway and Perry, gave notice that, on Saturday next, he would ask leave to introduce a bill to be entitled "an act to give in evidence upon trial of assault and battery any approbious language in justification thereof."

Mr. Mayers of Crawford, gave notice that he would, during the present session of the General Assembly, introduce a bill compelling the Real Estate Bank and branches, and the State Bank and branches to resume specie payment, or go into liquidation.

Mr. Gaines of Chicot, offered the following resolution:

Resolved, That the clerks of the various standing committees of the House, and the various joint committees of both Houses, be instructed to keep a minute of all the delinquents at the meetings of said committees; and if any member of any such committee shall fail to promptly attend the meetings of said committees for two successive meetings, the clerk of such committee shall report such delinquent to the House, on the succeeding day after such successive failure; and said delinquent shall be excused from serving longer on said committee, unless such delinquent shall be able to give a reasonable excuse for such non-attendance; and that the chairman of said committee is hereby required to give each member of said committee, due notice of such meetings; and in case of failure thereof, to be excused from serving as chairman.

Which, on motion of Mr. Arrington, was laid on the table, indefinitely.

Mr. Llewellyn of Chicot, gave notice that, on to-morrow, he would bring in a bill for amendments on limitation actions; and also, on Monday next, a bill amendatory to an act regulating suits.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill entitled "an act to regulate the fees of officers in the several offices of this State."

And the assent of the House is respectfully asked thereto.

Mr. Marks of Bradley, gave notice that, on Monday next, he would introduce a bill making an appropriation for the improvement of the navigation of Saline and Ouachita rivers, in the counties of Bradley and Union.

Mr. Baines of Carroll, gave notice that, on Monday next, he would introduce a bill entitled "an act to authorize the sale of section 16, in Township 18 N., Range 20 W.;" also, on Saturday next, he would introduce a bill to be entitled "an act for the relief of debtors, and for other purposes."

On motion of Mr. Humphrey, the House adjourned.

DECEMBER 8th, 1842.
Thursday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. W. W. Stevenson officiated as Chaplain.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill from the House to be entitled "an act to establish the county of Newton," with an amendment which is thereto appended, and therewith returned, in which the concurrence of the House is asked.

The Senate have alse assented to the bill of the House to be entitled "an act to call in the county scrip of Izard county," which is herewith returned.

The Senate have also concurred in the resolution of the House, instructing the committee on public printing to take bond of Eli Colby for the execution of printing, &c., adding thereto the following amendment:

Amend said resolution by instructing said committee to take bond to the State of Arkansas, with three sufficient securities, in the penal sum of two thousand dollars, conditioned, that all work shall be done in a neat and workmanlike manner, and in a reasonable time; to which the assent of the House is respectfully asked.

The Senate have also passed a bill to be entitled "an act to prevent waste on 16th sections," which is herewith transmitted, and the assent of the House is invited thereto.

On motion of Mr. Calvert of Saline, leave of absence was granted Mr. Martin of Pulaski.

On motion of Mr. Burke, leave of absence was granted Mr. Conway.

Petitions from counties were declared in order, and the roll called by counties.

Mr. Steuart of Desha, presented a petition of about 300 citizens of the county of Desha, praying for the permanent establishment of the seat of justice of Desha county, at the town of Napoleon, at the mouth of Arkansas river, which was read, and referred to a committee of three, consisting of

Messrs. Steuart of Desha, Roane, and Peeler.

Message from the Governor, by his private Secretary, R. W. Johnson:

Signifying his approval of the bill of the House entitled "an act for the relief of E. B. Alston, administrator of the estate of A. Sinclair, late sheriff of Johnson county," approved December 7th, 1842; and "an act to call in the scrip of St. Francis county," approved the 7th December, 1842; also,

"An act to call in the scrip of Johnson county," approved the 7th December, 1842.

Mr. Crutchfield of Pulaski, presented a petition from Mrs. Catharine Fagan, asking an examination of her late husband's accounts, and settlement with the State for work done on the State House during his life time; which was read, and referred to a committee of three, consisting of

Messrs. Crutchfield, Cline, and Lemoyne.

The call for petitions was completed, and reports from standing committees were declared in order.

Mr. Crutchfield, from the standing committee on internal improvements, on leave given,

Reported the bill entitled "an act to authorize the location of certain lands in the State of Arkansas," back to the House, by substitute, under the same title.

Mr. Gaines of Scott, from the standing committee on counties and county lines, to whom was referred the petition of several citizens of Saline county, asking for the restoration of the boundary line between Saline and Pulaski counties as they existed before the year 1838, on leave given,

Reported the same back as inexpedient.

Mr. Gray, from the committee to whom was referred the manner of altering the present mode of selecting and paying petit jurors, on leave given,

Reported by bill, to be entitled "an act to change the mode of selecting petit jurors, and to provide for their compensation."

Mr. Humphrey, from the select committee to whom was referred the bill entitled "an act for the relief of Geo. W. Wells," on leave given,

Reported the same back to the House, with a preamble, showing cause for such enactment.

Mr. Crutchfield, from the select committee to whom was referred the petition of Elijah A. More, and also of David Royster, on leave given,

Reported a bill entitled "an act allowing compensation to Elijah A. Moore, for his services as one of the commissioners of the penitentiary;"

And also a bill entitled "an act requiring certain lands to be listed with the assessor of the proper county for taxation."

On motion of Mr. Gaines of Scott, the rules of the House were dispensed with, and the business on the table was taken up, 49 to 10, dispensing.

The bill of the House, entitled "an act to establish the county of Newton," as returned from the Senate, with amendment, was taken up, and the amendment read; when,

On motion of Mr. Gaines of Scott, the rules were dispensed with, 47 to 8, and the amendment read a second time; when,

On motion of Mr. Roberts, the bill and amendment was referred to a committee, consisting of

Messrs. Roberts, McClain, Logan, Baines, Vaughan, Gray, and Campbell.

The bill from the Senate, entitled "an act to prevent waste on 16th sections," was taken up and read a first time, and ordered to a second reading.

The bill of the House, entitled "an act making certain appropriations to the Secretary of State, and others," was taken up and read, with the Senate's amendment; when,

On motion of Mr. Roane, the rules of the House were dispensed with, 56 to 1, and the bill read a second and third time, and passed, and the Senate informed thereof by message.

The resolution of the gentleman from Union, of yesterday, was taken up, and read; and

On motion of Mr. Gaines of Scott, was laid on the table until Tuesday next.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following resolution:

Resolved by the Senate and House of Representatives, That the joint committee on banks be instructed to select of said committee a sub-committee, to consist of one from the Senate and two from the House of Representatives, to proceed with the examination of the State Bank and Branches, and that said sub-committee be excused from other duties until said examination is completed.

And the assent of the House is invited herein.

The Senate have also adopted the following resolution:

Resolved, That the select joint committee appointed to examine and report the condition of the Real Estate Bank and its Branches, have power to select a sub-committee, to consist of one from the Senate, and two from the House of Representatives, which committee, when elected, shall have leave to sit in committee during the sitting of the Senate and House of Representatives, for the purpose of examining said Bank and Branches, until they shall have completed their trust; and the House of Representatives is requested to concur herein.

On motion of Mr. Conway, the rules of the House were dispensed with, 51 to 5, and the first resolution from the Senate relative to the bank committee, was taken up and read, and was adopted, and the Senate informed thereof.

When, on motion of Mr. Gaines of Scott, the committee on the State Bank had leave to retire to their committee room.

The resolution of the gentleman from Conway, of yesterday, concerning the House meeting and adjourning, was now taken up and read.

Mr. Roane would amend by altering from 2 o'clock, P. M., to 9 P. M.

Which was accepted by the mover.

Mr. Rust of Union, moved to lay on the table indefinitely.

Mr. Humphrey called for the ayes and noes; and they were ordered, and the question decided in the affirmative, by ayes 33, to noes 25.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Bateman, Bizzell, Burke, Collins, Crutchfield, Calvert of St. Francis, Counts, Cline, Cook, Field, Finley, Gaines of Scott, Gaines of Chicot, Gray, Houston, Jeffrey, Marks, Mayers, Miller, McClain, Nott, Peeler, Reeves of Crawford, Rieves of Crittenden, Roane, Rust, Stewart of Clark, Stewart of Desha, Sullivan, Waters, and Mr. Speaker—33.

The members who voted negatively, are

Messrs. Baines, Brazil, Blakemore, Campbell, Calvert of Saline, Fancher, Gibson, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Johnson, Lemoyne, Logan, Martin of Franklin, Milligan, Parks, Roberts, Robertson, Tackett, Thompson, Vaughan, and Wiley—25.

The bill of the House, to be entitled "an act relating to the overseers of roads in the county of Saline," was read a third time and passed, and transmitted to the Senate for their assent.

The memorial to the general government asking for an appropriation to complete the military road from Red River to Missouri line, was taken up and read a third time, and passed; and was transmitted to the Senate for their assent.

The bill of the House, entitled "an act authorizing the payment of certain fees due from the State of Arkansas to Luke E. Barber, as Clerk of the Supreme Court," was read a third time, and passed; and was transmitted to the Senate for their assent.

The joint resolution of Mr. Campbell, offered on the 18th ultimo, instructing the Secretary of State concerning the arrangements of the acts of this General Assembly, was taken up and read a second time, and adopted; and transmitted to the Senate for their concurrence.

The resolution of Mr. Johnson of Monroe, proposing an amendment to the Constitution of the State of Arkansas, relative to the eligibility of Preachers of the Gospel and Priests, to the General Assembly, was now taken up and read a second time, and sustained by that gentleman in an interesting dissertation, upon the impropriety of their holding seats in either branches of the Legislature; when,

On motion of Mr. Crutchfield, the resolution was referred to the committee on the judiciary.

On motion of Mr. Cocke, the House adjourned.

DECEMBER 9TH, 1842.
Friday morning, 9 *o'clock*.

The House met pursuant to adjournment.

Rev. Mr. Keirne officiated as Chaplain.

On motion of Mayers, leave of absence was granted Mr. Rust and Baines, to sit on committee on banks.

Petitions from counties, were declared in order.

The roll was called by counties.

Mr. Wiley presented a petition from several citizens of Randolph county protesting against the repeal of the 20th section of the 39th chapter of the revised statutes.

Mr. Crutchfield presented a petition from L. D. Marchand, asking that the Legislature pass a resolution instructing our Representatives in Congress to have a law passed indemnifying the citizens of the United States for spoilations by the French prior to the 30th September, 1800.

Which was read, and referred to committee, consisting of

Messrs. Crutchfield, Martin of Pulaski, and Gibson.

Mr. Greenwood, from the committee on enrollments, on leave given, *Reported* correctly enrolled the act establishing the county of Montgomery.

Reports from committees were now declared in order.

Mr. Crutchfield from the committee to whom was referred the petition of Mrs. Catharine Fagan, on leave given, reported the same back, and moved to be discharged from further consideration, and that it be recommitted to the standing committee on Public Buildings.

Which was adopted.

Mr. Collins, from the committee to whom was referred the petition of William B. Duncan, of yesterday, on leave reported that without further light upon the subject the committee could report nothing for his relief, and asked to be discharged.

Mr. Arrington moved to dispense with the rules of the House, for the purpose of taking up motions and resolutions.

Which was carried—34 to 14.

Mr. Crutchfield was called to the chair.

When the bill of the House entitled, "an act to put the State Bank and Branches into liquidation, was taken up and read a second time.

On motion of Mr. Humphrey, the bill was referred to committee of three, consisting of

Messrs. Humphrey, Conway, and Calvert of Saline.

On motion of Mr. Lemoyne, leave of absence was granted to Mr. Gibson.

On motion of Mr. Gaines of Scott, leave of absence was granted to Mr. Bateman.

The resolution of Mr. Lemoyne, of yesterday, was now taken up, and is as follows:

Resolved, That the rules prescribing the order of business of this House by calling for petitions, motions, and resolutions from different counties by alphabetical call, be, and the same is hereby rescinded.

Mr. Arrington amended by adding that no more resolutions be introduced, except when previous notice has been given, until all the business on the Speaker's table be taken up and disposed of.

When Mr. Mayers would amend the amendment by adding that the House proceed to the orders of the day, after petitions from counties and reports from committees are received, and continue to do so from day to day until the Speaker's table be cleared.

Which was accepted by the mover; when,

On motion of Mr. Arrington, the amendment as amended was adopted, and the question was taken up the adoption of the resolution as amended.

Which was decided affirmatively, and the resolution adopted as amended.

Mr. Mayers gave notice that he would, on Friday next, introduce a bill to repeal "an act to amend the the law in relation to gaming, approved 19th Dec., 1840.

The bill of the House, entitled an act for the relief of the estate of Hugh C. Hinton, deceased, was taken from the table and read a first time, and ordered to a second reading.

The bill from the Senate, to be entitled, an act to repeal the 83d and 97th sections, chapter 4, of the Revised Statutes, was taken up and read a first time, and ordered to a second reading.

The bill of the Senate, to authorize Judges of the several Judicial Circuits to interchange Circuits, was read a first time, and ordered to a second reading.

The bill of the House, entitled, an act to survey and mark out the northern boundary of the State was read; and,

On motion of Mr. Crutchfield, referred to a committee of the whole House, as the order of the day for Tuesday next.

The bill of the House, concerning roads and highways, was taken up and read a first time, and ordered to a second reading.

On motion of Mr. Greenwood, the bill of the House, entitled, an act prescribing the time and places of holding the Supreme Court, was taken up.

When the House resolved itself into a committee of the whole, Mr. Crutchfield in the Chair.

The Speaker now resumed his seat, and the Chairman reported progress on the Bill with several amendments, and asked leave to sit again on to-morrow.

On motion of Mr. Hanly, the House adjourned.

December 10th, 1842.
Saturday morning, 9 *o'clock*.

The House met pursuant to adjournment.

No Chaplain this morning.

Petitions from counties were declared in order.

Mr. Martin of Pulaski, presented a petition from Peter T. Crutchfield, asking that this General Assembly enact that a portion of his farm lying in Saline county, and contiguous to the other portion of his farm lying in Pulaski county, be attached and considered as all in Pulaski county, and the county line be so altered.

Which was read, and referred to a committee, consisting of the delegation from the two counties, consisting of

Messrs. Martin of Pulaski, Crutchfield, Cocke, Calvert of Saline, and Brazil.

Reports from committees were now declared in order.

Mr. Greenwood, from the committee on enrollments, on leave reported correctly enrolled, "an act to call in the scrip of Izard county."

And, "an act making certain appropriations."

Message from the Governor, by his private secretary, Mr. A. B. Greenwood, signifying his approval of "an act to divide the county of Hot Spring, and establish the county of Montgomery, approved 9th December, 1842.

Mr. Crutchfield, from the committee to whom was referred the petition of L. D. Marchand, of yesterday, on leave given, reported the following resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and the Representative in Congress from this State, be requested to use their efforts to cause provision to be made by law for the equitable adjustment of the claims of our citizens for spoilations by France prior to the year one thousand eight hundred.

Resolved, That the Governor of this State, be, and he is hereby respectfully requested to transmit to each of our Senators in Congress, as well as to our Representative in Congress, a copy of the above and foregoing resolution.

On motion of Mr. McClain, leave of absence was granted to Mr. Miller, on account of indisposition.

On motion of Mr. Crutchfield, the amendment of the Senate to the joint resolution, instructing the committee on printing, to take bond with three good securities from Eli Colby, for the faithful performance of his contract for printing, was taken up and concurred in by the House, and the Senate informed thereof by message.

The House now resolved itself into a committee of the whole on the bill entitled, "an act prescribing the times and places of holding the Supreme Court."

Message from the Senate, by the Secretary:

Mr. President—I am instructed to inform your honorable body that the Senate have concurred in the resolution from the House, requiring the Secretary of State to separate and arrange the laws passed the present session, &c., and the same is herewith returned.

The Senate have assented to a bill from the House, entitled, "an an act authorizing the payment of certain fees due from the State of Arkansas to Luke E. Barber, as Clerk of the Supreme Court."

Which is herewith returned.

And the Senate have concurred in the memorial to Congress, praying an appropriation to complete the military road from Red River to the Missouri line, which is also herewith returned.

The Senate have also passed a bill to be entitled, "an act to exempt certain persons from paying a State or County tax."

Which is herewith transmitted, and the assent of your honorable body is invited.

The Senate have also passed a memorial to the Congress of the United States, setting forth the importance and propriety of the establishment of a military post between old Fort Wayne and Evansville.

Which is herewith transmitted, and the concurrence of the House is invited thereto.

The Senate have also passed a bill to be entitled, an act for the relief of Lewis B. Tully, late Judge of the third Judicial Circuit; which is herewith transmitted, and the assent of the House is asked thereto.

The Speaker now resumed his chair.

Message from the Governor by his private secretary, R. W. Johnson, which was read and is as follows:

EXECUTIVE DEPARTMENT,
Little Rock, November, 1842.

Gentlemen of the Senate and House of Representatives:

Under the provisions of an act of Congress, approved the 2nd March, 1827, Gen'l Elias Rector, the agent of the then Territory, selected as a portion of the seventy-two sections granted to the State, (then Territory,) sections No. 21 and 22 in township 6 N., R. 17 W. in Conway county, which sections, with others, was confirmed to the State by the Secretary of the Treasury, on the 24th January, 1838; subsequent to the confirmation, however, the above described lands was offered for sale, and was purchased by sundry individuals, and, among others Emzy Wilson, who sets up claim to the E½ of the S. E¼ of sec. 21, and the E½, S. W¼, sect. 21. Mr. Thomas S. Haynes claims the N. E. qr., sec. 21; and Thomas O. Jones to the S. W¼, sec 22; and Wm. H. Roberts to the S. E¼ of sec. 22. This error either originated at the Department at Washington or the Land Office here; the mistake, however, could not effect the interest of the State, as the land had already been confirmed to the State, previous to the sale, and it has been so decided by the Commissioner of the General Land Office, as will be seen by his letter to me of the 5th of August, 1841, and his letter to Maj'r Graham on the same subject, dated the 3rd of August, 1842, herewith enclosed, marked A. and B.

As the Commissioner of the General Land Office seems disposed, from the tenor of his letter to Maj'r Graham, to allow the exchange, and permit the State to locate other lands in lieu of these which are claimed by Messrs. Wilson and others. If it can be done without loss to the State, I submit it to the consideration of the Legislature, whether equity and justice does not require the surrender of her claim, and the selections of other lands, all of which is respectfully submitted.

A. YELL.

Also a message signifying his Excellency's approval of an act to call in the script of Izard county, approved Dec'r 10th, 1842, also,

An act making certain appropriations, approved 10th Dec'r, 1842.

Mr. Crutchfield, Chairman of the committee, reported the bill back to the House, with the several amendments, from the committee of the whole.

Mr. Greenwood proposed to amend the bill, by inserting Fayetteville, Washington county, in place of Van Buren, Crawford county.

Mr. Arrington called for the ayes and noes, and they were ordered, and the question decided in the negative, by ayes 25—noes 28.

The members voting affirmatively, are

Messrs. Arrington, Baines, Bateman, Brazil, Blakemore, Burke, Calvert of Saline, Cline, Cook, Fancher, Gage, Greenwood, Haynes, Hardwick, Hanly, Houston, Jeffrey, Johnson, Milligan, Roberts, Stewart of Clark, Stout, Vaughan, Waters, and Mr. Speaker—25.

The members voting, negatively, are

Messrs. Conway, Calvert of St. Francis, Counts, Field, Gibson, Gaines of Scott, Gray, Humphrey, Llewellyn, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Nott, Peeler, Parks, Reeves of Crawford, Rives of Crittenden, Roane, Robertson, Rust, Sullivan, Tackett, Thompson, Wiley, and Crutchfield—28.

Mr. Roane moved to strike out in the 2nd section, Helena, and insert Napoleon; which was lost.

On motion of Mr. Arrington, the House adjourned.

DECEMBER 12TH, 1842.

Monday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Keirne officiated as Chaplain.

On motion of Mr. Hanly, the committee on banks were allowed to withdraw, and sit during the sitting of the House.

Petitions from counties were declared in order.

Mr. Jeffrey of Izard, presented a petition from several citizens of Izard county, asking the reduction of the salaries of the several officers of this State.

Which was read and referred to a committee, consisting of

Messrs. Bateman, Milligan, Llewellyn, Martin of Pulaski, Hanly, and Mayers.

Mr. Miller of Franklin, presented a petition from 100 citizens of Franklin county, asking for a stay law for two years.

Which was read and referred to a committee, consisting of

Messrs. Logan, Johnson, Cline, Armstrong, and Houston.

Reports from committees were now in order.

Mr. Armstrong, from the committee on counties and county lines, on leave given,

Reported a bill entitled "an act to make an alteration in the county lines of Hempstead and Sevier."

Mr. Baines, from the committee to whom was referred the Senate's amendment to the bill entitled "an act to establish the county of Newton," on leave,

Reported that the committee concur in amendment of the Senate.

When, on motion of Mr. Gaines of Scott, the rules of the House were dispensed with, 40 to 5, and the amendment read a third time, and the Senate informed thereof by message.

Mr. Field, from the select committee to whom was referred the petition of several citizens of Hempstead county, on leave,

Reported by bill entitled "an act declaring Mine Creek a navigable stream."

Mr. Crutchfield offered the following:

Resolved, That the Governor be, and he is hereby, respectfully requested to communicate to this House, whether he has received any communication from the Executive of Missouri in relation to the marking and running the boundary line between the two States; and also, such other information on the subject as he may have, and deem proper, to communicate.

Which was read and adopted.

Mr. Bizzell of Pike, pursuant to notice, introduced a bill to be entitled "an act to improve the navigation of the Little Missouri river."

Which was read a first time, and ordered to a second reading.

Mr. Campbell, pursuant to notice, introduced a bill entitled "an act to authorize a geological survey of the State of Arkansas,"

Which was read a first time, and ordered to a second reading.

On motion of Mr. Llewellyn, the orders of the day were taken up.

The bill prescribing the time and place of holding the Supreme Court, was now taken up.

Mr. Llewellyn moved to lay the bill on the table until 4th March, 1843.

Mr. Mayers called for the ayes and noes, and they were ordered, the question decided in the negative, by ayes 23, to noes 37.

The members who voted in the affirmative, are

Messrs. Arrington, Brazil, Collins, Crutchfield, Cocke, Calvert of St. Francis, Cook, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Haynes, Johnson, Llewellyn, Logan, Marks, Nott, Peeler, Roane, Steuart of Desha, Sullivan, and Waters—23.

The members voting negatively, are

Messrs. Bateman, Bizzell, Calvert of Saline, Counts, Cline, Field, Fancher, Flanagan, Gray, Gage, Greenwood, Humphey, Hardwick, Hanly, Houston, Jeffrey, Lemoyne, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Stout, Tackett, Thompon, Vaughan, Wiley, and Mr. Speaker—37.

Mr. Gray of Johnson, offered to amend the bill by striking out in the 2d section, Van Buren, Crawford county, and insert Clarksville, Johnson county.

The ayes and noes were called for, and ordered, and the question stated was decided in the affirmative, by ayes 31, to noes 25.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Blakemore, Campbell, Calvert of Saline, Counts, Cline, Cook, Fancher, Finley, Gibson, Gray, Gage, Haynes, Hardwick, Jeffrey, Johnson, Llewellyn, Logan, Marks, Martin of Pulaski, Martin of Franklin, Milligan, McClain, Peeler, Parks, Roberts, Roane, Robertson, Tackett, Thompson, and Waters—31.

The members voting in the negative, are

Messrs. Bateman, Bizzell, Brazil, Collins, Conway, Crutchfield, Field, Flanagan, Gaines of Chicot, Gaines of Scott, Humphrey, Houston, Lemoyne, Mayers, Miller, Nott, Peeler, Reeves of Crawford, Rieves of Crittenden, Steuart of Desha, Sullivan, Stout, Vaughan, Wiley, and Mr. Speaker—25.

On motion of Mr. Rieves of Crittenden, a call of the House was required at 11 o'clock, whereby it was ascertained that no member was absent except those on leave.

On motion of Mr. Flanagan, leave of absence was granted Mr. Stewart of Clark.

Mr. Lemoyne moved to lay the bill on the table till 4th July next.

Mr. Mayers called for the ayes and noes, and they were ordered, and the question decided in the negative, by ayes 17, noes 40.

The members voting in the affirmative, are

Messrs. Collins, Crutchfield, Cook, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Haynes, Johnson, Llewellyn, Lemoyne, Marks, Nott, Peeler, Roane, Sullivan, and Waters—17.

The members voting in the negative, are

Messrs. Armstrong, Arrington, Bateman, Bizzell, Brazil, Blakemore, Conway, Campbell, Calvert of Saline, Counts, Cline, Field, Fancher, Flanagan, Gray, Gage, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Steuart of Desha, Stout, Tackett, Thompson, Vaughan, Wiley, and Mr. Speaker—40.

Mr. Gibson would amend by striking out all after the enacting clause in the first section, and insert in lieu thereof:

That one term of the Supreme Court shall hereafter be held once in every six months in each of the several judicial districts now established for holding the Circuit Courts at the times and places hereinafter to be prescribed.

The ayes and noes were called and ordered, and the question decided in the negative, by ayes 11, noes 45.

The members voting affirmatively, are

Messrs. Field, Finley, Gibson, Gaines of Chicot, Marks, Mayers, Nott, Peeler, Roane, Steuart of Desha, and Waters—11.

The members voting negatively, are

Messrs. Arrington, Armstrong, Bateman, Bizzell, Brazil, Blakemore, Conway, Campbell, Crutchfield, Calvert of Saline, Counts, Cline, Cook, Fancher, Flanagan, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Sullivan, Stout, Tackett, Thompson, Vaughan, Wiley, and Mr. Speaker—45.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have accepted the report of the joint bank committee herewith enclosed, and adopted the resolution thereon engrafted, and hereby transmit the same with the accompanying documents, "A," and "B," and invite the concurrence of your honorable body thereto.

The Senate have also passed, "an act to repeal section 131 of chapter 116 in the revised statutes."

The Senate have also passed, "an act relating to the inspection of tobacco."

The Senate have also assented to the bill of the House, entitled "an act to provide for the more effectual punishment of the crime of rape."

Mr. Gibson offered to amend by adding a separate section:

"*And be it further enacted*, That if any Judge shall refuse or neglect to hold court at the times and places prescribed by this act, he or they so refusing, shall be fined in the sum of one hundred and fifty dollars for each and every term of the court so neglected, which sum shall be deducted from their salary, and the sum of three hundred dollars be added to the salary of each of said Judges, and that the sum of two thousand dollars be appropriated out of any money not otherwise appropriated, to defray the incidental expenses of said court."

The ayes and noes were called for and ordered, and the amendment rejected, by ayes 18, to noes 40.

The members voting affirmatively, are

Messrs. Arrington, Collins, Crutchfield, Cook, Field, Finley, Gibson, Gaines of Chicot, Haynes, Marks, Martin of Pulaski, Mayers, Nott, Peeler, Roane, Steuart of Desha, Sullivan, and Waters—18.

The members voting negatively, are

Messrs. Armstrong, Bateman, Bizzell, Brazil, Blakemore, Conway, Campbell, Calvert of Saline, Counts, Cline, Fancher, Flanagan, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellen, Lemoyne, Logan, Martin of Franklin, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Stout, Tackett, Thompson, Vaughan, Wiley, and Mr. Speaker—40.

Mr. Martin of Pulaski, moved to lay the bill on the table until 4th July next.

Mr. Gibson called for the ayes and noes, and they were ordered, and the question decided in the negative, by ayes 23, noes 34.

The members voting affirmatively, are

Messrs. Arrington, Collins, Crutchfield, Cook, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Haynes, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Mayers, Nott, Peeler, Roane, Steuart of Desha, Tackett, and Waters—23.

The members voting in the negative, are

Messrs. Armstrong, Bizzell, Brazil, Blakemore, Conway, Campbell, Calvert of Saline, Counts, Cline, Field, Fancher, Flanagan, Gray, Gage, Greenwood, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Martin of Franklin, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rieves of Critttenden, Roberts, Robertson, Stout, Thompson, Vaughan, Wiley, and Mr. Speaker—34.

Mr. Collins moved to adjourn.

Mr. Mayers called for the ayes and noes, and they were ordered, and the question decided negatively, by ayes 13, noes 43.

The members voting affirmatively, are

Messrs. Arrington, Collins, Crutchfield, Calvert of Saline, Field, Finley, Gibson, Gaines of Chicot, Haynes, Nott, Peeler, Roane, Sullivan, Tackett, and Waters—13.

The members voting negatively, are

Messrs. Armstrong, Bateman, Bizzell, Brazil, Blakemore, Conway, Campbell, Counts, Cline, Cook, Fancher, Flanagan, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Steuart of Desha, Stout, Thompson, Vaughan; Wiley, and Mr. Speaker—43.

Mr. Lemoyne offered to amend by inserting after the third line in the second section, and that the fourth and fifth districts be consolidated, and that the courts be held at the town of Lewisburg, in Conway county; and called for the ayes and noes, which were ordered, and the question decided in the negative, by ayes 11, noes 47.

The members voting affirmatively, are

Messrs. Collins, Gaines of Chicot, Haynes, Johnson, Lemoyne, Martin of Pulaski, Mayers, Roane, Sullivan, and Waters—11.

The members voting negatively, are

Messrs. Arrington, Armstrong, Bateman, Bizzell, Brazil, Blakemore, Conway, Campbell, Crutchfield, Calvert of Saline, Counts, Cline, Cook, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Scott, Gray, Gage, Greenwood, Humprhey, Hardwick, Hanly, Houston, Jeffrey, Llewellyn, Logan, Marks, Martin of Franklin, Miller, Milligan, McClain, Nott, Peeler, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Steuart of Desha, Stout, Tackett, Thompson, Vaughan, Wiley, and Mr. Speaker—47.

Mr. Greenwood called for the previous question, which was sustained, and the question put, and the bill ordered to be engrossed.

On motion of Mr. Gaines of Chicot, the House adjourned.

DECEMBER 13TH, 1842.
Tuesday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. W. W. Stevenson officiated as Chaplain.

Petitions from counties were declared in order.

Mr. Logan from Pope, presented a petition from S. M. Haynes, sheriff of Pope county, asking for an appropriation to refund to him the expenses in bringing two culprits to the Pulaski county jail, in the year 1836.

Which was read, and referred to a select committee, consisting of Messrs. Lemoyne, Logan, and Martin of Franklin.

No further petitions were offered.

The Speaker declared reports from committees in order.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported that the memorial to Congress for repairs on the military road leading from Red River to Missouri, and also "an act making appropriations for Luke E. Barber, Clerk of the Supreme Court," were correctly enrolled.

Motions and resolutions were declared in order.

Mr. Roane of Jefferson, pursuant to notice, introduced a bill to be entitled "an act to repeal the 13th section of the 8th division of the 44th chapter of the revised statutes."

Mr. Nott of Lafayette, pursuant to notice, introduced a bill to be entitled "an act for the relief of James Abrahams, sheriff of Lafayette county."

Which was read a first time, and ordered to a second reading.

Mr. Collins of Crittenden, pursuant to notice, introduced a bill to be entitled "an act to repeal the 39th, 41st, 42d, and 45th sections of the 60th chapter of the revised code, and to revive and put in force said sections."

Which was read a first time, and ordered to a second reading.

Mr. Flanagan, pursuant to notice, introduced a bill to be entitled "an act to repeal the 10th section of an act entitled 'an act to authorize the county courts of the several counties of the State to levy a tax for the purpose of opening roads and improving the same, within their respective counties.'"

Which was read a first time, and ordered to a second reading.

Mr. Logan of Pope, pursuant to notice, introduced a bill entitled "an act to legalize the location of the county seat of Pope county, and all the proceedings had by the several courts thereat."

Which was read a first time, and ordered to a second reading.

Mr. Haynes of Conway, pursuant to notice, introduced a bill, entitled, "an act to suppress affrays, and for other purposes;" was read a first time, and ordered to a second reading.

Mr. Llewellyn of Chicot, pursuant to notice, introduced a bill to be entitled, "an act supplementary to the laws of the State amending limitations of actions;" was read a first time, and ordered to a second reading.

Mr. Tackett of Pope, pursuant to notice, introduced a bill to be enentitled, "an act to repeal the 11th section of the 91st chapter of the Revised Statutes, under the head of limitations," which was read a first time, and ordered to a second reading.

Mr. Field of Hempstead, offered the following resolution:

Whereas, It is made the duty of the Legislature of Arkansas, by the Constitution of said State, not only to *elect* judicial officers, but also for reasonable cause, to remove by joint vote of both Houses any judicial officer, when in the opinion of the Legislature any such cause may exist, tending to render the administration of the laws doubtful or unsafe, partial or interested.

And whereas, Much complaint has existed, and yet exists, in relation to the judicial conduct of the Honorable Thomas J. Lacy, one of the Judges of the Supreme Court of the State of Arkansas, therefore for the purpose of securing to the people of the State a faithful and impartial administration of juice, and also to render full justice to Judge Lacy;

Be it resolved, That a select committee of five be appointed with full power to send for persons and papers to examine into the conduct of said Lacy, as such judicial officer, and into such private acts of said Lacy, as may probably effect and influence his conduct on the Bench or his reputable standing before the people of the State, and that said committee be required to report to this House at its earliest convenience, whether the said Lacy has not been active in promoting the election of persons to seats in this General Assembly, or whether he has been active in promoting the election of any of the officers of the Real Estate Bank of the State of Arkansas, or any other officer, and whether he has manifested on the Bench individual partiality, or favor, towards any persons, suitors, or others before the court, whether he has not in delivering certain opinions as judge, been guilty of falsely stating the law.

Whether he has in any case, but especially in the decision made on a motion for a mandamus directed to the Chancellor of the Pulaski Circuit Court commanding him to issue an injunction in behalf of the Trustees of the Real Estate Bank, extented his decision beyond points properly before the court, and whether in said opinion he did not attempt to forestall future or further adjudications on the subject, and whether the authorities referred to in that decision sustains said decision, and whether said decisions contains any intentional misstatements of law or fact, or both, and whether by his consent or knowledge any material change in or addition to said decision was made after it was delivered, and after a motion for a re-argument was disposed of and refused, and if so, when, how, by whom, and by what authority, such change was made, and whether it was read in open court after the alteration was made, and whether that decision evidences partial or interested feelings on his part.

And be it further resolved, That said committee ascertain whether the said Lacy did not acknowledge that in giving the opinion above alluded to, he did not make a gross misstatement of facts for personal considerations alone; and whether after said decision was made, he did not write congratulating letters to certain persons who were parties to the application for the mandamus, and whether the said Lacy has not been in the habit of intimating the opinion of the court before they were delivered; whether or not he gave advice before the assignment of the Real Estate Bank touching the manner in which that Bank could or ought to be put into liquidation and wound up, and whether in that decision upon the application for a mandamus referred to him, he did not, by his conduct throughout, give strong proof of his partiality and interest in the matter decided by the court of which he was a member; and whether such interest does not disqualify him as a judicial officer.

Resolved further, That said committee inquire what connections if any, said Lacy has, and did have, with the Real Estate Bank; whether said Lacy did not receive a large loan from the Branch Bank at Helena, when that Bank was not discounting to any one, and if so, upon what terms he received the loan; and further, that said committee have further power to inquire into any other matter touching the said Lacy, as they may deem necessary, and that they report accordingly by either preferring charges or specifications.

And be it further resolved, That five and not more than five members shall be appointed on the committee, who shall also be elected by ballot.

Which was read;

When Mr. Steuart of Desha, offered the following amendment, which was accepted by the mover of the resolution, Mr. Field:

And that the committee further enquire if the Hon. Daniel Ringo previous to the decision of the Supreme Court expressed, or intimated any opinion as to the legality of the assignment of the Real Estate Bank, or that he intimated directly or indirectly to the Central Board, that if they would permit him to draw up a deed of trust, and place him at the head of it, he would resign his judgeship and accept of a trusteeship, and whether he ever intimated to any person before a decision, what would be the opinion of the court, and whether in any instance after the delivery of an opinion he has ever altered, or permitted such opinion to be altered without reading such opinion in open court; Also, into the private acts of said Ringo, as may probably effect and influence his conduct on the Bench, and whether he has manifested on the Bench any individual partiality or favor towards any person, suitors, or others before the court, whether in delivering certain opinions as judge, he has been guilty of falsely stating the law, and whether the authorities referred to in that decision, sustain that decision, and whether said opinion contains any mis-statements of law, and whether he ever gave any advice about said assignment.

Resolved, further, That said inquiry be extended to the Governor: First, Whether Governor Yell did not write communications, published in the Gazette, in relation to the banks, and the manner in which they should, or ought to be wound up, thereby forestalling or attempting to forestall public opinion.

Secondly, Whether he did not write letters to certain persons inducing them to offer for a seat in the present General Assembly to carry out the measures of his Excellency.

Thirdly, Whether his Excellency was not present at the time the opinion of the court in the case of the assignment of the Real Estate Bank was delivered, and immediately thereafter declared that the judge, whose seat was about to be vacated, should be beat.

Fourthly, Whether his Excellency did not write letters to sundry individuals urging upon them the necessity of electing a judge who would be opposed to the assignment of said Bank.

Fifthly, Whether he has not before or since the commencement of the present General Assembly, declared that no man should be elected in the place of Judge Dickinson, unless he was pledged to set aside and reverse the opinion of a majority of the court in the case of the assignment of the Real Estate Bank, and whether he did not declare that if he doubted his opinion he would have him sworn, and that said committee enquire into such other of his acts as may be derogatory to the dignity of the Executive, and report by articles of impeachment or otherwise.

Mr. Greenwood offered the following amendment:

And that the committee be empowered to send for persons and papers, and to examine witnesses under oath. Which was also adopted.

Mr. Calvert of Saline, called for a division of the resolutions as amended, in the following manner:

So much of the resolution as relates to Judge Lacy, of the first part; and so much of the resolution as relates to Judge Ringo, of the second part; and so much of the resolution as relates to Governor Yell, of the third part. Which call was ordered.

Mr. Mayers called for the ayes and noes.

They were ordered, and the question was put, upon so much of the resolution as relates to Judge Lacy, of the first part, and it was adopted, by ayes 57—noes 1.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Bateman, Bizzell, Brazil, Blakemore, Burke, Collins, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Steuart of Desha, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—57.

The members voting in the negative, are

Mr. Flanagan—1.

The question was then put on the adoption of the second resolution; division relative to Ringo.

The ayes and noes were ordered, and the question decided in the affirmative, by ayes 55—noes 5.

The members voting affirmatively, are

Messrs. Arrington, Bateman, Blakemore, Burke, Collins, Campbell, Crutchfield, Cocke, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McLain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Steuart of Desha, Sullivan, Stout, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—55.

The members voting negatively, are

Messrs. Armstrong, Bizzell, Brazil, Calvert of Saline, and Flanagan —5.

The question was then put upon the third division, on that part of the resolution relative to the Executive.

The ayes and noes were ordered, and the question decided in the affirmative, by ayes 54—noes 6.

The members voting in the affirmative, are

Messrs. Arrington, Bateman, Brazil, Blakemore, Burke, Collins, Campbell, Crutchfield, Cocke, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Finley, Gibson, Gaines of Chicot, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Steuart of Desha, Sullivan, Stout, Tackett, Thompson, Vaughan, Wiley, and Mr. Speaker—54.

The members voting negatively, are

Messrs. Armstrong, Bizzell, Calvert of Saline, Flanagan, Gaines of Scott, and Waters—6.

When the House proceeded by ballot to the appointment of said committee of five.

Messrs. Gray, and Gaines of Scott, tellers.

When the ballots were counted, whereby it was ascertained, that

Messrs. Field, Greenwood, Hanly, Martin of Pulaski, and Steuart of Desha, had received the largest number of votes, and were duly appointed the committee for the purpose set forth in the resolution.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed an act relating to the overseers of roads in the State of Arkansas.

And the assent of the House is asked thereto.

Message from the Governor by his private secretary, R. W. Johnson.

Which was read, and is as follows:

EXECUTIVE DEPARTMENT,
Little Rock, 13*th Dec'r*, 1842.

*To the Honorable the Speaker and Gentlemen
of the House of Representatives:*

In answer to your resolution of the 12th inst., making certain inquiries in relation to the boundary line of the States of Arkansas and Missouri, I have the honor to state, that the archives of the Executive Department contain no information on the subject: through the politeness of the Surveyor General, I have been permitted to examine the field notes of Joseph C. Brown, the surveyor who run and marked the line in 1823 and 1824, from which I perceive he commenced running the line in the fall of 1823, begining at the S. W. corner of the State of Missouri, on the parallel of latitude 36 deg. 30 min. as stated in his field notes. Thence, East 233 miles to the St. Francis river. At this point he left off until the fall of 1824, when he again returned to the St. Francis river, where the line struck it, and proceeded to finish the boundary by meandering down the St. Francis river to latitude 36 deg., and thence to the Mississippi river.

From the field notes of the surveyor the line from the St. Francis at latitude 36 deg. 30 min. to the Mississippi river is so vague and uncertain that no reliance can be placed upon the correctness. These rivers and swamps are all inundated so deep as to render it necessary for the surveyor to trace them in canoes. The boundary from the St. Francis to the Mississippi river was not marked, but mile posts were set designating the distance, and noted as 36 miles.

Since the adjournment of the last Legislature, I have had the honor to receive from the Executive of the State of Missouri, a communication enclosing a resolution of the Legislature: that State asking a co-operation of this State in the establishment of the boundary between the two States.

There being no authority to authorize it on the part of this State, I was not at liberty to accept their proposition, should you think it necessary to co-operate with the State of Missouri in the adjustment of that line, it will be necessary to make an appropriatton to defray the expenses of the mission.

A. YELL.

Mr. Lemoyne of Conway, offered the following:

Resolved, That Dr. William Byrd Powell be permitted to give lectures upon Phrenology and Geology, whenever, and at any time in the Representative Hall, that may suit his convenience, after 4 o'clock, P. M., of any day during the session of the present General Assembly.

Which was read; and on motion of
Mr. Humphrey, was laid on the table indefinitely.

Mr. Robertson of Poinsett, pursuant to notice, introduced a bill entitled, an act to amend the 91st chapter of the Revised Statutes.

Which was read a first time, and ordered to a second reading.

Mr. Cocke, from the committee on the judiciary, on leave given

Reported the bill of the House, entitled, "an act to prohibit the emigration and settlement of free negroes or mulattoes in this State," back to the House with several amendments. And, also, the bill of the Senate of the same title, as including the same subject matter, and therefore superfluous.

Mr. Greenwood of Benton, pursuant to notice, introduced a bill entitled, an act declaring White river navigable for steam boats to the Buffalo Shoals, and for keel and flat boats to the three forks of said stream in Washington county.

Which was read a first time, and ordered to a second reading.

On motion of Mr. Mayers, the House adjourned.

DECEMBER 14th, 1842.
Wednesday morning, 9 *o'clock.*

The House met pursuant to adjournment.

The Rev. Mr. Keirne officiated as Chaplain.

Petitions from counties and county lines were declared in order.

Mr. Roberts of Marion, presented a petition from several citizens of Marion county, praying for the reduction of salaries of all officers of this State, which was read, and referred to select committee, consisting of

Messrs. Bateman, Llewellyn, Martin of Pulaski, Hanly, Milligan, and Mayers.

Mr. Arrington presented a petition from several citizens of Washington county, praying for a change in the times of holding circuit courts in the 4th judicial circuit, which was read, and referred to a select committee of three, consisting of

Messrs. Arrington, Greenwood, and Fancher.

Mr. Cocke of Pulaski, presented a petition from Messrs. John Wassell and Henry F. Pendleton, praying for an appropriation to pay them for measuring the carpenters work, &c., on the State House, which was read, and referred to standing committee on claims.

Mr. Parks of Yell, presented a petition from several citizens of Yell county, asking for a law declaring the *Petit Jean* a navigable stream to Danville, which was read, and referred to a committee of three, consisting of

Messrs. Parks, Cline, and Miller.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled, an act for the more effectual punishment of the crime of rape; also, an act to establish the county of Newton: and a memorial to Congress, praying for an appropriation for the completion of the public works at Fort Smith; and also, an act making an appropriation for Luke E. Barber, as Clerk of the Supreme Court: and also a memorial to Congress, praying for the completion of the road from Red River to the Missouri line.

On motion of Mr. Hanly, the report of the standing committee on the State Bank was taken up, and the resolution therein contained relative to the sending an agent immediately to the city of New York, empowered with authority to cancel, adjust, compromise, and settle the matters between the Bank of Arkansas and Branches, and the North American Trust and Banking Company, was adopted, and the Senate informed thereof by message.

Mr. Mayers, from the committee to whom was referred the petition of several citizens of the town of Fort Smith, on leave given,

Reported by bill, entitled, an act to incorporate the town of Fort Smith, which was read; when

On motion of Mr. Mayers, the rules were dispensed with—46 to 8, and the bill read a second and third time.

Mr. Gray of Johnson, called for the ayes and noes on its final passage, and they were ordered, and the bill passed, by ayes 55—noes 2.

The members voting affirmatively, are

Messrs. Arrington, Armstrong, Batemân, Bizzell, Brazil, Blakemore, Burke, Collins, Campbell, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, Nott, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Tackett, Thompson, Vaughan, Waters, and Mr. Speaker—55.

The members voting negatively, are

Messrs. Gray and Wiley—2.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed a preamble and resolution, instructing the Executive to open a correspondence with the War Department at Washington, which is herewith transmitted, and the assent of the House is requested thereto.

On motion of Mr. Rieves of Crittenden, the bill of the House, entitled, "an act to authorize the location of certain lands in the State of Arkansas, under the act of Congress," was taken up, and read a third time, when

On motion of Mr. Gibson, the bill was re-committed to a select committee, consisting of

Messrs. Gibson, Counts, and Rieves of Crittenden.

Message from the Governor, by his private Secretary, A. B. Greenwood:

Signifying his approval of a memorial to Congress, asking an appropriation from the General Government of the United States, to complete the military road from Red River to the Missouri line, approved 13th December, 1842, and an act making an appropriation for the payment of certain fees to Luke E. Barber, Clerk of the Supreme Court, approved 13th December, 1842.

The bill from the Senate, entitled, an act to regulate the fees of office of the several officers of this State, was taken up and read a first time, and

On motion of Mr. Crutchfield, the rules of the House were dispensed with, 54 to 7, and the bill read a second time, when

Mr. Crutchfield moved that the bill be referred to the committee of the whole House, and made the order of the day on Saturday next; to which motion, at the suggestion of Mr. Hanly, the mover accepted, and that 100 copies be printed.

Mr. McClain called for the ayes and noes, and they were ordered, and the question negatived, by nays 43 to ayes 16.

The members voting in the affirmative, are

Messrs. Arrington, Brazil, Blakemore, Collins, Crutchfield, Field, Flanagan, Gaines of Chicot, Hanly, Llewellyn, Marks, Nott, Roane, Steuart of Desha, Stout, and Mr. Speaker—16.

The members voting negatively, are

Messrs. Armstrong, Baines, Bateman, Bizzell, Burke, Campbell, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Stewart of Clark, Sullivan, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—43.

Mr. Gibson of Hot Spring, refused to vote, declaring that the motion was out of order and improper.

Mr. Sullivan moved to excuse.

Mr. Hanly called for the vote of the House, and the gentleman from Hot Spring was excused from voting upon the subject.

On motion of Mr. Robertson, the rules of the House were dispensed with 44 to 18, that the bill might be read a third time, which was done.

Mr. Lemoyne moved to adjourn.

Mr. Miller called for the ayes and noes, and they were ordered, and the question decided negatively, by ayes 13—noes 46.

The members voting in the affirmative, are

Messrs. Armstrong, Crutchfield, Cook, Field, Flanagan, Gibson, Gaines of Chicot, Johnson, Llewellyn, Lemoyne, Marks, Nott, and Steuart of Desha.—13.

The members voting negatively, are

Messrs. Arrington, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Collins, Campbell, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Fancher, Gaines of Scott, Gray, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Stewart of Clark, Sullivan, Stout, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—46.

Mr. Arrington moved to refer the bill to the committee on the judiciary. Which was lost.

Mr. Crutchfield moved to refer to committee of the whole House on Friday next. Which was lost.

Mr. Arrington proposed to amend the bill by striking out the first section.

Mr. Field moved to adjourn, and called for the ayes and noes, and they were ordered, and the question was negatived, by noes 48—ayes 10.

The members voting in the affirmative, are

Messrs. Armstrong, Collins, Crutchfield, Field, Flanagan, Gibson, Llewellyn, Lemoyne, Marks, and Nott—10.

The members voting in the negative, are

Messrs. Arrington, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Campbell, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—48.

Mr. Humphrey moved to lay the amendment on the table, and called for the ayes and noes, and they were ordered, when the Clerk proceeded to the call, (many members absent,) and had progressed so far as to No. 19, in the call, being the name of Mr. Cook,

Messrs. Arrington, Collins, and Crutchfield voting in the negative, and Messrs. Armstrong, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Campbell, Calvert of Saline, Calvert of St. Francis, Counts, Cline, and Cook voting in the affirmative; when

Mr. Arrington interrupted the call by asking to amend his amendment by excepting the enacting clause; when

Mr. Crutchfield of Pulaski, asked to recall his vote, (he not having understood the amendment of the gentleman from Washington.)

Whereupon, the Speaker directed the Clerk to recommence the call, as the amendment was now understood different in purport from the first entertaining of it; when

Mr. Gibson of Hot Spring, expostulated upon the irregularity of such proceedings.

Whereupon, a question of order arose, the Chair deciding that it was in order, under the existing circumstances, to commence the call anew.

Mr. Gibson made appeal to the House, dissenting from the decision of the Chair, and called for the ayes and noes, which were sustained and ordered, when the House sustained the decision of the Chair, by ayes 42, noes 11.

The members voting sustaining the Chair, are

Messrs. Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Campbell, Crutchfield, Calvert of Saline, Calvert of St. Francis, Cline, Fancher, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Lemoyne, Logan, Marks, Martin of Pulaski, Mayers, Miller, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Stewart of Clark, Sullivan, Stout, Tackett, Thompson, Vaughan, Waters, and Wiley—42.

The members voting in the negative, are

Messrs. Arrington, Collins, Counts, Flanagan, Gibson, Gaines of Scott, Hanly, Martin of Franklin, Milligan, Roane, and Steuart of Desha—11.

Mr. Humphrey withdrew, on leave of the House, his motion to lay the amendment on the table.

Whereupon, by consent of the House,

Mr. Arrington withdrew his amendment, that he might amend it, and substitute the following in lieu thereof:

"Amend by way of rider, by striking out all of the bill which relates to fees of Attorneys for the State.

Mr. Lemoyne moved to adjourn.

Mr. Roane called for the ayes and noes, and they were ordered, and the question decided in the negative, by noes 47, ayes 8.

The members voting affirmatively, are

Messrs. Collins, Crutchfield, Cook, Flanagan, Gibson, Lemoyne, Marks, and Nott—8.

The members voting negatively, are

Messrs. Arrington, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Campbell, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—47.

On motion of Mr. Gibson, a call of the House was now ordered, whereby it was ascertained that eight members were absent without leave, to wit:

Messrs. Armstrong, Field, Flanagan, Finley, Gaines of Chicot, Johnson, and Llewellyn.

The doors were closed, and the Sergeant-of-Arms sent for absentees, and the business suspended for one hour, it now being two o'clock and five minutes; when

Mr. Llewellyn appeared in the Hall and asked leave of absence for Mr. Finley, on account of indisposition; which was granted.

Mr. Gaines of Chicot, and Mr. Armstrong, also returned to their seats.

At 40 minutes past two o'clock, the House resumed business.

Mr. Roberts calling for the previous question.

Which was sustained, and the bill put upon its final passage.

Mr. Roane called for the ayes and noes, and they were ordered, and the bill passed, by ayes 41, noes 6.

The members voting affirmatively, are

Messrs. Arrington, Armstrong, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Campbell, Crutchfield, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Jeffrey, Lemoyne, Martin of Pulaski, Miller, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Stewart of Clark, Sullivan, Stout, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—41.

The members voting negatively, are

Messrs. Llewellyn, Marks, Nott, Peeler, Roane, and Steuart of Desha—6.

Messrs. Calvert of Saline, Houston, Martin of Franklin, Mayers, and McClain, having been out of the House when the question was put, and now coming in, asked that their votes be recorded in favor of the bill; which was done.

On motion of Mr. Mayers, the House adjourned.

December 15th, 1842.

Thursday morning, 9 *o'clock*.

The House met pursuant to adjournment.

Chaplain absent.

On reading the journal of yesterday's proceedings, several objections were made, to wit:

One on recording the amendment of Mr. Arrington's first amendment to the fee bill.

Second on the proceedings of the House while under call, and during the suspension of business for one hour.

Mr. Speaker appointed three to investigate the same, consisting of Messrs. Arrington, Gibson, and Crutchfield for the first objection, and

Messrs. Hanly, Greenwood, and Gaines of Scott, to investigate the matter of the second part.

On motion of Mr. Martin of Pulaski, leave of absence was granted to the Doorkeeper for one day, on special business, and Mr. Godfrey was sworn in as Deputy Doorkeeper.

Petitions from counties were declared in order.

None were offered.

Reports from standing committees were in order.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled the resolution of the General Assembly empowering an agent to go to New York to adjust the matters between the State Bank of Arkansas and Branches, and the North American Trust and Banking Company.

Also, the resolution instructing the Secretary of State to separate the laws of the present session so that no law of a general nature shall be incorporated with those of a private character.

And also, that he had presented to his Excellency the Governor, on the 14th December, "an act to provide for the more effectual punishment of the crime of rape;" and also, "an act to establish the county of Newton;" and also, a memorial to Congress, praying for an appropriation to complete the public works at Fort Smith.

Mr. Llewellyn, from the committee to whom was referred the petitions from several counties asking for the reduction of fees and salaries of the several officers of this State, on leave given,

Reported the same back to the House, asking to be excused from further deliberations on the subject, as there had already a bill passed for that effect.

No further reports.

Resolutions and motions were in order.

Mr. Armstrong of Sevier, offered the following:

Resolved, That so much of the resolution of the House, adopted on the 7th instant, as precludes standing or select committees from reporting any bill of which no notice has been given previous to that time be rescinded. Which was read and adopted.

Mr. Counts, from the committee on salt springs, to whom was referred the Executive's special message relating to the same, on leave given,

Reported by bill entitled "an act to lease out the salt springs."

Mr. Mayers, from the committee to whom was referred the petition of several citizens of Van Buren, on leave given,

Reported by bill entitled "an act to incorporate the town of Van Buren;" when,

On motion of Mr. Mayers, the rules of the House were dispensed with, 39 to 15, and the bill was read a second and third time, and passed, and was transmitted to the Senate for their assent.

Mr. Hanly, from the committee to whom was referred the petition of A. H. Rutherford, concerning the selling of the real estate of Eli J. Lewis, deceased, on leave given,

Reported, and called from its first reading, the bill entitled "an act to authorize Fleetwood Hanks, surviving administrator of the estate of Millinder Hanks, deceased, to sell real estate."

Which was read a second time, and referred to a committee, consisting of

Messrs. Hanly, Roane, and Field.

Mr. Steuart of Desha, from the committee to whom was referred the petition of the citizens of Desha county, asking for a law to establish the county seat of Desha county, on leave,

Reported by bill to be entitled "an act to locate permanently the seat of justice of Desha county;" when,

On motion of Mr. Steuart of Desha, the rules were dispensed with, and the bill put through its third reading, and passed, and was transmitted to the Senate for their assent.

On motion of Mr. Lemoyne, leave of absence was granted Mr. Gibson, to attend to business on the bank committee.

The resolution of Mr. Roberts, proposing an amendment to the Constituton of the State of Arkansas, so far as to strike out the 15th section of the 6th article, was taken up and read a third time; and

On motion of Mr. Roberts, the ayes and noes were called, and the resolution adopted, by ayes 59, noes 2, and transmitted to the Senate for their concurrence.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Collins, Campbell, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Flanagan, Finley, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—59.

The members voting negatively, are

Messrs. Marks and Roane—2.

On motion of Mr. Martin of Pulaski, the bill entitled "an act requiring the city of Little Rock to refund to the county of Pulaski certain moneys," was taken up and read a second time; when,

On motion of Mr. Martin of Pulaski, the rules of the House were dispensed with, 45 to 8, and the bill read a third time, and passed, and was transmitted to the Senate for their assent thereto.

The bill of the House, entitled "an act to amend the statutes of this State in relation to estrays," was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

On motion of Mr. Llewellyn, the bills on their third reading were taken up.

The bill entitled "an act to authorize the administrator of Allen McVay, deceased, to convey certain lands," was taken up and read a third time, and passed, and was transmitted to the Senate for their assent.

The bill to be entitled "an act to call in the scrip of Clark county," was taken up and read a third time; and,

On motion of Mr. Hanly, the proceedings therein was postponed until Monday next, on account of some supposed constitutional objections.

On motion of Mr. Brazil, the House adjourned.

DECEMBER 16TH, 1842.
Friday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. W. W. Stevenson officiated as Chaplain.

Message from the Governor, by his private secretary, signifying his Excellency's approval of "an act to provide for the effectual punishment of the crime of rape."

And a memorial to Congress, praying for an appropriation of $100,000 for the completion of Fort Smith.

And also, "an act establishing the county of Newton," approved December 14th, 1842.

And a resolution requiring the Secretary of the State to separate the public from private acts, approved the 15th December, 1842.

Petitions from counties were now in order.

Mr. Vaughan presented a petition from 532 inhabitants of the county of Madison, asking for a re-establishment of the county lines of Madison county, and for other privileges, which was read and referred to the standing committee on counties and county lines.

Mr. Martin of Pulaski, presented a petition from 16 citizens of Pulaski county asking a division of the county of Pulaski, and the establishment of a new county.

Which was read and referred to the committee on counties and county lines.

Also, a petition from 25 citizens praying for the same law establishing a new county from Pulaski.

Which was read and referred to the committee on counties and county lines.

And also a petition from 20 citizens of Pulaski county, praying that no division of the county be made.

Which was also read and referred to the standing committee on counties and county lines.

Also, a petition from Samuel Johnson and F. M. Blythe, asking for an alteration in the line between Saline and Pulaski counties.

Which was also read and referred to the standing committee on counties and county lines.

No reports from standing committees.

Reports from select committees were declared in order.

Mr. Hanly, from the committee to whom was referred the memorial of A. H. Rutherford, and the bill of the Senate, entitled, an act to authorize Fleetwood Hanks, surviving administrator of the estate of M. Hanks, deceased, to sell Real Estate, on leave given,

Reported the bill with an amendment authorizing A. H. Rutherford, administrator *de bonis non*, with the will annexed of the estate of Eli J. Lewis, deceased, to sell lands of said estate; which amendment was adopted, and the bill and amendment read a third time and passed, and was transmitted to the Senate for their concurrence.

Mr. Armstrong, from the committee to whom was referred the several resolutions, against Indian incursions and depredations, on leave given,

Reported the same by memorial to the Congress of the United States, asking for donations and laws authorizing the erection of several forts.

Which was read a first time, and ordered to a second reading.

Mr. Cocke, from the committee on the judiciary, on leave,

Reported back to the House the bill entitled, an act to fix salaries of prosecuting attorneys, as inexpedient.

And, also, the bill entitled, an act to prohibit the issuing and circulation of change tickets, as not so well calculated to suppress the same as the law now in force.

And, also, the bill entitled an act to suppress betting on elections, as not congruent to the opinion of said committee.

Mr. Greenwood, from the judiciary committee, on leave,

Reported, from a minority of said committee, the bill entitled "an act to suppress betting on elections," back to the House by substitute, under the same title.

On motion of Mr. Greenwood, the report of the majority on said bill was rejected.

Mr. Greenwood now called for the adoption of the report of minority committee.

Mr. Roberts called for the ayes and noes, and they were ordered, and the report adopted, by ayes 40 to noes 20.

The members voting in the affirmative, are

Messrs. Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Finley, Gaines of Scott, Gage, Greenwood, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Logan, Marks, Martin of Pulaski, Milligan, McClain, Peeler, Reeves of Crawford, Steuart of Desha, Stout, Tackett, Vaughan, Waters, Wiley, and Mr. Speaker—40.

The members voting negatively, are

Messrs. Arrington, Armstrong, Flanagan, Gibson, Haynes, Humphrey, Lemoyne, Mayers, Miller, Nott, Parks, Rieves of Crittenden, Roberts, Roane, Robertson, Stewart of Clark, Sullivan, Scott, and Thompson—20.

No further petitions, motions and resolutions were in order.

Mr. Mayers of Crawford, pursuant to notice, introduced a bill entitled, an act to repeal an act to amend the law in relation to gaming.

Which was read a first time and ordered to a second reading.

Mr. Llewellyn, pursuant to notice, introduced a bill to be entitled, an act supplementary to the provisions of the Revised Statutes, concerning practice at law.

Which was read a first time, and ordered to a second reading.

The bill of the Senate entitled, an act for the relief of L. B. Tully, late judge of the third judicial circuit, was now taken up and read, when,

On motion of Mr. Field, the rules were dispensed with, 48 to 10, and the bill read a second and third time and passed, and was transmitted to the Senate for their assent thereto.

The message from the Governor concerning certain lands inConway county was now taken up and read, and, on motion of Mr. Lemoyne, was referred, with the accompanying documents, to a select committee of three, consisting of

Messrs. Lemoyne, Logan, and Cline.

The bill of the House, entitled, an act to survey and mark out the northern boundary of the State of Arkansas, was now taken up, when

The House resolved itself into a committee of the whole, Mr. Gibson in the chair.

The Speaker now resumed the chair, when

Mr. Gibson, chairman of committee, reported the bill back to the House without amendment.

Mr. Roberts called for the previous question.

When the ayes and noes were called for, and ordered; and the previous question was negatived by ayes 29, to noes 30.

The members voting in the affirmative, are

Messrs. Armstrong, Bizzell, Burke, Collins, Campbell, Crutchfield, Calvert of St. Francis, Cook, Finley, Field, Gibson, Gaines of Scott, Hanly, Houston, Johnson, Llewellyn, Lemoyne, Logan, Marks, Mayers, Nott, Rieves of Crittenden, Roberts, Robertson, Rust, Stewart of Clark, Tackett, Thompson, and Waters—29.

The members voting negatively, are

Messrs. Arrington, Baines, Bateman, Brazil, Calvert of Saline, Counts, Cline, Fancher, Flanagan, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Jeffrey, Martin of Pulaski, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Sullivan, Stout, Vaughan, Wiley, and Mr. Speaker—30.

Mr. Greenwood would amend the fourth section of the bill by striking out five dollars, and inserting four instead.

Mr. Gibson offered to amend the amendment by adding, in specie or its equivalent.

Mr. Greenwood called for the ayes and noes, and they were ordered, and the amendment to the amendment was lost—ayes 16, noes 37.

The members voting affirmatively, are

Messrs. Armstrong, Bizzell, Collins, Campbell, Counts, Field, Finley, Johnson, Llewellyn, Lemoyne, Marks, Mayers, Nott, and Rust—16.

The members voting negatively, are

Messrs. Arrington, Baines, Brazil, Blakemore, Burke, Calvert of Saline, Calvert of St. Francis, Cline, Cook, Flanagan, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Logan, Martin of Pulaski, Martin of Franklin, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Roberts, Robertson, Stewart of Clark, Sullivan, Stout, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—37.

Mr. Roberts moved to lay the amendment on the table, and the ayes and noes were called, and ordered, and the question decided in the negative by ayes 24 to noes 35.

The members voting in the affirmative, are

Messrs. Armstrong, Bizzell, Burke, Collins, Campbell, Crutchfield, Calvert of St. Francis, Cook, Field, Finley, Gaines of Scott, Hanly, Houston, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Nott, Roberts, Rust, Thompson, and Mr. Speaker—24.

The members voting in the negative, are

Messrs. Arrington, Baines, Bateman, Brazil, Blakemore, Calvert of Saline, Counts, Cline, Fancher, Flanagan, Gibson, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Jeffrey, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Tackett, Vaughan, Waters, Wiley, and Mr. Speaker—35.

Mr. Gray called for the ayes and noes on the adoption of Mr. Greenwood's amendment, and they were ordered, and the amendment adopted by ayes 44, to 16 noes.

The members voting in the affirmative, are

Messrs. Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Campbell, Crutchfield, Calvert of Saline, Counts, Cline, Field, Fancher, Flanagan, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Jeffrey, Lemoyne, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Roberts, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Tackett, Vaughan, Waters, Wiley, and Mr. Speaker—44.

The members voting negatively, are

Messrs. Armstrong, Collins, Calvert of St. Francis, Cook, Finley, Gibson, Gaines of Scott, Houston, Johnson, Llewellyn, Logan, Marks, Martin of Pulaski, Rieves of Crittenden, Rust, and Thompson—16.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed the resolution entitled "A proposition to amend the Constitution, so as to enlarge the jurisdiction of justices of the peace in penal and civil cases, which are herewith transmitted, and the assent of the House is asked thereto.

Mr. Gibson offered to amend by striking out all in relation to the compensation of the commissioners, and insert in lieu thereof, that each commissioner shall receive two dollars per mile for each and every mile of said line which they may actually run and mark, and that no further compensation shall be allowed to defray the expenses of hand hire or any other extra or incidental expense.

Mr. Gibson called for the yeas and nays, and they were ordered, and the amendment rejected by ayes 11, to noes 49.

The members voting in the affirmative, are

Messrs. Baines, Bizzell, Gibson, Haynes, Lemoyne, Logan, Marks, Mayers, Nott, Roberts, and Steuart of Desha—11.

The members voting in the negative, are

Messrs. Arrington, Armstrong, Bateman, Brazil, Blakemore, Burke, Collins, Crutchfield, Campbell, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Flanagan, Finley, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Martin of Pulaski, Martin of Franklin, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Robertson, Rust, Stewart of Clark, Sullivan, Stout, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—49.

Mr. Gaines of Scott, called for the previous question, and was sustained; when

Mr. Roberts called for the ayes and noes, and they were ordered; and the bill passed by ayes 56, to noes 4.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Collins, Campbell, Crutchfield, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Flanagan, Finley, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—56.

The members voting negatively, are

Messrs. Gibson, Houston, Milligan, and McClain—4.

On motion of Mr. Peeler, the House adjourned.

DECEMBER 17TH, 1842.
Saturday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

On motion of Mr. Cline, leave of absence was granted Mr. McClain for ten days, and Mr. Cook for one day.

On motion of Mr. Field, leave of absence was granted Mr. Collins for ten days.

On motion of Mr. Lemoyne, leave of absence was granted Mr. Gibson until Wednesday next.

On motion of Mr. Martin of Pulaski, leave of absence was granted Mr. Calvert of Saline, for one day.

Petitions from counties were now declared in order.

Mr. Waters of Jackson, presented a petition from William Robinson and others, praying for a law allowing them compensation for their improvements upon the public lands; which was read and referred to a select committee, consisting of

Messrs. Lemoyne, Logan, Cline, Crutchfield, and Waters.

Mr. Peeler of Arkansas, presented a petition from several citizens of Desha county, asking for a law authorizing the sale of the sixteenth sections in township nine, south of range one west.

Which was read and referred to a committee of three, consisting of

Messrs. Peeler, Flanagan, and Steuart of Desha.

Mr. Stout of Washington, presented a petition from several citizens of Washington county, asking that this General Assembly enact a law for their relief.

Which was read, and referred to a committee, consisting of

Messrs. Stout, Humphrey, and Greenwood.

Mr. Armstrong of Sevier, presented a petition from B. C. Pile of said county, asking that he might be exonerated from a fine amerced on him in the circuit court of Sevier county for gaming; which was read and referred to the Governor.

No reports from standing committees.

Reports from select committees were in order.

Mr. Hanly, from the committee to whom was referred the petition of A. Wallace, concerning a law to refund him his expenses in bringing back his runaway slave, on leave,

Reported, that the committee deem the granting of the request inexpedient and improper.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following bills, viz:

A bill to be entitled an act to afford a more speedy remedy in cases of assault and battery.

Which is herewith transmitted, and the assent of the House is asked thereto.

"A bill to be entitled 'an act to attach a part of the county of Desha to the county of Bradley."

Which is herewith transmitted, and the assent of the House is asked thereto.

The Senate have also assented to the bill from the House, to be entitled, "an act to locate permanently the seat of justice of Desha county;" which is herewith returned.

The Senate have, also, assented to the bill from the House entitled an act to alter and amend the Statutes of this State in relation to estrays, and have added to the same, an amendment, which is attached to, and returned with said bill, and to which the assent of the House is invited.

Mr. Field, from the select committee, created pursuant to resolutions of this General Assembly, instructing them to enquire into the sale and disposition of the 500 State bonds to the Secretary of the Treasury of the United States, for and on account of the Smithsonian legacy, on leave given,

Reported as follows:

Mr. Speaker—The joint select committee appointed under Mr. Fields' series of resolutions, to whom was referred as the subject of special inquiry and report, the subject of the sale of the 500 State Bonds to the Secretary of the Treasury of the United States, for and on account of the Smithsonian legacy, have had the same under consideration, and have instructed me to submit the following report as the result of their investigation:

The first enquiry under the resolution is, what amount of Bonds were sold by the agents of the Real Estate Bank to the Secretary of the Treasury of the United States for and on account of the Smithsonian legacy? and, second, who were the agents or commissioners to dispose of said Bonds? From documents herewith transmitted to the House, it will be perceived that the number of Bonds sold was 500 of 1000 dollars each, and that Messrs. Ambrose H. Sevier and Thomas T. Williamson were the agents or commissioners to dispose of the same.

Third branch of inquiry is, what kind of funds were received upon said Bonds? From evidence before the committee and accompanying this report, it will be seen that the Bonds were disposed of for a credit in the N. American Trust and Banking Co. in the city of New York, equal to the amount of Bonds sold in gold and silver at that place.

The fourth branch of inquiry is, whether said funds were paid over to the Bank, or placed to her credit in the eastern cities in kind, or whether they were converted into other funds?

In answer to this inquiry, your committee have to state, that from the account of the commissioners with W. W. Corcoran, a broker in the city of Washington, which account accompanies this report, and is marked B, it appears that the sum of $283,204 22 was converted by said Corcoran into southern and western funds, at various rates of discount and premium, making the amount so invested equal (as they supposed) to the sum of $292,534 90, or an advance of $9,330 68; and that the further sum of $179,005 67, was in like manner invested in southern and western funds, by Thomas B. Lee, a citizen of New Orleans, then in New York, which is equal to the sum of $186,777 73, or an an advance of $7,772 06, all which appears from the account or statement of said Lee, herewith transmitted and marked C. For a more particular and specific exhibit of the various kinds of western and southern funds into which the proceeds of said Bonds were converted, your committee would respectfully direct the attention of the House to the receipt of A. H. Davies, then President of the Bank, which is made a part of this report, and is marked D.

The fifth branch of inquiry is, whether said commissioners had any power or authority invested in them by the agency, to make such investments?

Your committee are of opinion, from a careful consideration of the instructions given the commissioners, as well as the resolution of the central board, upon which the instructions were predicated, that no power or authority thus to dispose of the Bank's capital could be derived from any just construction of the powers conferred, but, on the contrary, are necessarily forced to the conclusion, that the exercise of such power was a direct and palpable violation both of the spirit and letter of the powers conferred by the resolution of the central board, and the subsequent instructions of the committee.

That this branch of the subject may be more clearly understood, it may be proper here to enter into a more detailed analysis of the design, object, and tendency of the agency and the instructions given to the commissioners.

The object then of the first moment to the Bank and the people of the State, was the conversion of the State Bonds into banking capital as speedily as practicable, having due reference to the kind of funds which should be received for them. Every movement, therefore, of the commissioners which tended to the consummation of this cardinal object was evidently within the legitimate sphere of their duties, and when once accomplished it is equally evident that these powers, duties and requirements ceased. It may be justly asked, then, by what authority the commissioners thus transcended the proper limits of their powers and instructions in drawing out of the N. A. Trust and Banking Company, upon their individual checks, the *specie* credit obtained therein? The committee are of opinion, that the conversion of the State Bonds into *specie*, or eastern credits, by the commissioners, was a consummation beyond any thing anticipated by the Bank, or contemplated in the instructions. It was a full and thorough accomplishment of all that was or could be desired by the Bank, and even more than was hoped for. And had the commissioners closed their labors at this point, the Bank would have accorded to them its profoundest acknowledgments, and the country its deepest gratitude and respect; and the embarrassments and utter destruction of that Institution, which resulted as a necessary consequence of this oversight or indiscretion on the part of the commissioners, together with other causes not connected with this transaction, the wide-spread and irretrievable disasters which through the downfall of that Institution have pervaded and still spread like a sweeping pestilence over the whole extent of our once prosperous State, would have been averted. It is extremely questionable, whether this extraordinary departure, on the part of the commisioners, from the legitimate scope of their instructions, had for its object the advancement of the interests of the Institution itself, or of the country at large; for the maintenance of such a position necessarily assumes for its premise, by pre-supposition, a degree of ignorance and stupidity unparalleled in the annals of financiering from Maine to Mississippi. The most rational conclusion, then, is that the commissioners had some object in view beyond the promotion of the great interest of the Bank; some interest staked in the venture, which though not prominently developing itself upon the face of their transactions, yet resulting as a necessary and inevitable inference to be drawn from the very nature and character of their own showing.

The next inquiry under the resolution is, whether said agents retained and appropriated to their own use any amount or amounts in *gold or silver* of such funds, and in what manner and kind of funds such amounts were paid in, or whether paid at all?

In answer to the first member of this branch of inquiry, your committee would state, that the commissioners did retain and appropriate to their own use certain amounts of said funds, as follows, viz: A. H. Sevier retained the sum of $14,300, and Thomas T. Williamson retained the sum of $14,094, a part of the engraver's bill of $21,143 37, for which he executed his individual note at six months, and upon which the Bank has since been sued and judgments obtained in the Circuit Court of Pulaski County, and is now suspended in the Supreme Court upon a supercedeas. Should the judgment of the Circuit Court be hereafter confirmed, the Bank will have the whole amount of the $14,094, together with interest and cost to pay; the whole of which would then be due said Bank from Thomas T. Williamson, one of said commissioners. As regards the second member of this branch of the inquiry, as to the manner and kind of funds in which these amounts were settled, it will be proper to state, that the amount retained by A. H. Sevier, together with the interest and premium, was settled by note, upon stock account, some seven or eight months afterwards. In addition to the above amounts thus appropriated and used, it appears from the statements and accounts rendered by the commissioners, that they loaned to Peter Hanger, in the city of New York, the sum of $4,000, and to Chester Ashley, $2,000, to James L. Dawson, $2,050, and to L. Reardon, $1,000, making in the aggregate the sum of nine thousand and fifty dollars, for which (with the exception of Peter Hanger's debt of $4000,) the receipts of these gentlemen were turned over to A. H. Davies, President, as cash.

As to the authority of the commissioners thus to use and dispose of the means of the Bank, there can be but one opinion. So far from finding any thing in the resolution of the central board, or the instructions given under that resolution, giving sanction or authority to such a course, we find every thing both in their spirit and letter to inhibit so gross and glaring a breach of trust and good faith as stands so conspicuous in the conduct of those commissioners.

It may be urged that the commissioners were stockholders, and therefore entitled to the respective amounts used by them, as a portion of their stock. To this it may be replied, that though they were stockholders, and would have been entitled to their respective pro-rata, under a proper dispensation of the board of directors, yet as the agents of the corporation, entrusted with the high, important and responsible duty of selling the State Bonds, they had no right deducable from their character and powers, as such, to erect themselves into a directory for the purpose of distributing the funds, or any portion of them, among themselves and others.

If they had the power and right thus to distribute a portion of the proceeds of the Bonds, they unquestionably had an equal right to appropriate to their own use, and to lend out to others, the entire amount of funds which they received. It is also ascertained from the books of the Bank and evidence before the committee, that A. H. Sevier had, at the time he used the $14,300 awarded to him by the central board, 300 shares of stock in said Bank, but had not, nor has he since perfected his stock. It is further shown to the committee, that by an order of the central board, stockholders were then entitled to draw from the Bank one-third of the amount of their stock, which would have entitled Col. Sevier to receive the sum of ten thousand dollars; thereby showing, that under the most favorable view that can be taken of this conduct, on the part of this commissioner, he actually retained four thousand and three hundred dollars more than was then allowed to other stockholders. It is shown to the committee by documents accompanying this report, that the commissioners allowed to W. W. Corcoran one per centum upon the whole amount of the Bonds, amounting to $5,000, for negotiating the sale with the Secretary of the Treasury of the United States, and retained for themselves the like sum of $5,000; two thousand dollars of which was paid to A. H. Sevier, and three thousand to Gen. T. T. Williamson, thus making the investment alone cost the Bank the round sum of ten thousand dollars. Thus it will be seen that the commissioners employed at an exorbitant rate, the services of Corcoran to effect a sale or investment of the Bonds, when they themselves received, each, the amount above stated, for the identical services rendered by Corcoran. A solution of this conduct on the part of the commissioners, results necessarily in the conclusion that they employed Corcoran to effect what their duty required them to do, and paid him one per centum, or $5,000, for so doing, and received themselves, each, $2,000 and $3,000, merely for the trouble of enlisting the individual services of this distinguished broker. How far such conduct may be justifiable, or how far it is to be regarded as an acknowledgment on the part of the commissioners of their own utter incompetency to discharge the high and responsible duties devolving upon them, is a matter which your committee are disposed to leave for the determination of the unbiassed judgment of this House and of the country.

It is, also, shown by the account of W. W. Corcoran, that his services were subsequently engaged in converting a portion of the credit in the North American Trust and Banking Company into southern and western funds; but we find no allowance made him for this service. It, in like manner, appears from the accounts, before referred to, that one Thomas B. Lee, of New Orleans, was engaged to perform like services; that he sold $179,005 67 of the bank's capital for $186,777 73 in southern and western funds for which no direct compensation was given, so far as can be ascertained from the account current of the commissioners or from the accounts of said Corcoran and Lee. It would naturally be asked, did the gentlemen devote their time and attention to the important interests of the bank and the State? did they perambulate the streets of New York and Washington cities from day to day? did they assume the important and weighty responsibility of acting as money changers for these commissioners for no other consideration than the exquisite pleasure and gratification to be derived from counting from day to day the rolls of bank bills or money which were passing through their hands, or for the exalted honor of acting as sub-agents or commissioners? The only rational response to these enquiries must be, that they must have received something more substantial than the mere evanescent gratification of doing something for nothing. It may be proper here to state that the whole amount of premiums accounted for to the bank, but little exceed three per cent. upon the nett amount of the proceeds of the bonds, and that it is proven before the committee that southern and western bank paper was, at the time the exchange was made at a discount of from two two to twelve and a half per cent. in the city of New York. What then are the conclusions to be drawn from the premises just stated.

The conviction irresistably impresses itself upon the mind, that these brokers must have received a fair proportion of the dividents or premiums derived from the investment, and thus amply compensated themselves for all the drudgery and service performed.

How far the commissioners participated in the emoluments of this speculation, we leave to be determined by this House and an enlightened people. With a brief recapitulation of the facts evolved in the course of this investigation, your committee will close this report.

First, There is shown that Messrs. Sevier and Williamson were the commissioners to dispose of the bonds.

Second, That they received for them their par value of $500,000 in *Gold* or its equivalent.

Third, That after receiving it in the above description of funds they converted it into southern and western bank paper at an average discount of about three and a half per cent., when such funds were from two to twelve and one half per cent. under par in the city of New York.

Fourth, That the commissioners loaned to sundry individuals various amounts of the funds and retained a considerable portion for themselves.

Fifth, That they paid five thousand dollars to W. W. Corcoran, and to themselves the same amount, for negotiating the bonds.

Sixth, That the convertion of the funds, the appropriation of a portion to their own use, and that of others, was unauthorized by the instructions given them, and in direct violation of the high trust reposed in them.

Seventh, That the result of their conduct was most fatally disastrons to the interests of the institution and of the State.

JOHN FIELD, *Chairman.*
GEO. W. BAINES,
WM. H. GAINES,
J. F. GAINES, *Members of*
H. FLANAGAN, *the House.*
L. GIBSON,
A. W. ARRINGTON,
DAVID WALKER, *Members*
MARK BEAN, *Senate.*

Which was read, and

On motion of Mr. Mayers of Crawford, was laid on the table until the General Report from the standing committee on banks shall be submitted.

Mr. Logan, from the committee to whom was referred the subject of a relief law, as asked by several petitions from counties, on leave given,

Reported by bill to be entitled "an act regulating proceedings upon executions;" which was read a first time, and

On motion of Mr. Greenwood, the rules of the House were dispensed with, and the bill read a second time, and referred to a committee consisting of

Messrs. Greenwood, Logan, Llewellyn, Cline, and Baines.

Mr. Gibson, from the committee to whom referred the bill entitled an act to authorize the location of certain lands in the State of Arkansas under the act of Congress, on leave given,

Reported the bill back to the House by substitute, under the title of of an act to authorize the location of certain lands under the act of Congress granting to the State of Arkansas 500,000 acres of land.

Which was put upon its third reading, when

On motion of Mr. Hanly, the bill was committed to the whole House and made the orders of the day.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed an act amendatory to an act in the 99th chapter of the Revised Statutes page 576, concerning mills and millers, which is herewith transmitted and the assent of the House is asked thereto.

The Senate have also passed "an act to repeal an act to lease out the 16th sections in the county of Chicot, and to incorporate the Chicot Academy;" which is herewith transmitted, and the assent of the House is asked thereto.

Pursuant to notice, Mr. Baines introduced a bill entitled an act to provide for the sale of section sixteen in Township 18 of Range 20 West, and for other purposes; which was read a first time and ordered to a second reading.

Mr. Nott of Lafayette, pursuant to notice, introduced a bill entitled "an act to incorporate the Lafayette Academy."

Which was read a first time and ordered to a second reading.

On motion of Mr. Jeffrey, the bill entitled "an act to establish the county of Fulton," was taken up and read a second time, when

On motion of Mr. Jeffrey, the rules were dispensed with 50 to 2, and the bill read a third time and passed, and was transmitted to the Senate for their assent.

On motion of Mr. Armstrong, the House now resolved itself into committee of the whole, on the bill to be entitled an act to authorize the location of certain lands under the act of Congress donating to the State of Arkansas 500,000 acres of land.

Mr. Greenwood in the chair.

The Speaker now resumed his chair, and

Mr. Greenwood, chairman of the committee, reported the bill back to the House with several amendments.

On motion of Mr. Roane, the House adjourned.

DECEMBER 19TH, 1842.
Monday morning, 9 *o'clock.*

The House met pursuant to adjournment.

The Rev. W. W. Stevenson officiated as Chaplain.

Petitions from counties were in order.

Mr. Lemoyne presented a petition from Mrs. Mary Fletcher asking for an extenutaion of the charter authorizing Frederick Fletcher to erect a bridge over the Point Remove Creek, and,

Also, a petition from several citizens of Conway county, asking for the same enactment.

Which was read and referred to a select committee consisting of

Messrs. Lemoyne, Gray, Tackett, and Roane.

Mr. Speaker presented a petition from Green county, a petition addressed to him, signed by eleven citizens of said county, asking for a reduction of the salaries of all state officers, which

On motion of Mr. Hanly, was laid on the table, the same matter having already been acted upon by committee, to whom several similar petitions had been referred and reported.

Mr. Logan of Pope, presented a petition from John R. H. Scott and R. W. Jamison, guardians of the minor heirs of George Jamison, deceased, praying for a law to authorize them to sell a certain described piece of land for the heirs of said George Jamison, being a a part of said estate.

Which was read and referred to a committee consisting of

Messrs. Logan, Finley, and Martin of Franklin.

Mr. Haynes presented a petition from a large number of citizens of Conway county asking for a relief law.

Which was read and referred to a committee consisting of

Messrs. Greenwood, Logan, Llewellyn, Cline, and Baines.

Reports from standing committees were declared in order.

Mr. Scott, from the committee on counties and county lines, on leave given,

Reported a bill to be entitled an act to establish the county of Decalb,

Which was read a first time, when,

On motion of Mr. Scott, the rules of the House were dispensed with, 51 to 4, and,

On motion of Mr. Armstrong, the bill read a second time, and referred to a committee of five, consisting of

Messrs. Armstrong, Scott, Llewellyn, Jeffrey, and Gray.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported an act to locate permanently the seat of justice of Desha county, correctly enrolled.

Reports from select committees were declared in order.

Mr. Greenwood, from the committee to whom was referred the bill entitled an act prescribing proceedings upon executions, on leave given,

Reported the same to the House by substitute, entitled 'an act to extend the term for the return of executions;' which was read a first time, and, On motion of Mr. Greenwood, the rules of the House were dispensed with, and the bill read a second time, and referred to a committee consisting of

Messrs. Greenwood, Logan, Llewellyn, Cline, Baines, Arrington, and Stout.

On motion of Mr. Scott, Mr. Gage was added to the committee on counties and county lines.

On motion of Mr. Brazil, Mr. Stout was added to the committee to whom was referred the bill entitled an act to extend the time for the return of executions.

Mr. Mayers gave notice that on Thursday next he would ask leave to introduce a bill to dispose of the 16th section in upper Township of Crawford county, now occupied by the General Government as a military post.

On motion of Mr. Crutchfield, the rules were dispensed with, 47 to 11, when he introduced the following resolution:

Be it resolved by the General Assembly of the State of Arkansas, That the acceptance by the Governor of this State, for and in behalf of the State, of the grant of *five hundred thousand acres of land*, under and by the provisions of an act of the Congress of the United States entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth of September, eighteen hundred and forty-one," be, and the same is hereby approved, ratified, and confirmed.

Be it further resolved by the same authority, That the Governor be, and he is hereby requested, to transmit a copy of the foregoing resolution to the Treasury Department of the United States.

Which was read and adopted.

Mr. Campbell offered the following resolution:

Resolved, That the select committee, to whom was referred the proposed amendment to the Constitution in relation to the jurisdiction of justices of the peace and banking, be, and they are hereby required to take into consideration the expediency and necessity of changing the Constitution, so as to give the qualified voters of the different townships the privilege of electing the following officers, viz: County judges and military officers, if, in their opinion the election of all those officers will be safe; if not all, then, such as would be safe, and that they report accordingly, as quick as practicable, by bill or otherwise.

Mr. Greenwood would amend by striking out that part of the resolution relating to circuit judges and prosecuting attorneys.

When the resolution was adopted.

Mr. Finley gave notice that on Friday next he would ask leave to introduce a bill to amend the 47th section of the 60th chapter of the Revised Statutes, and for other purposes.

Mr. Flanagan offered the following:

Resolved, That the committee on ways and means, be instructed to enquire into the inexpediency of granting non-residents to pay their taxes to the State Treasurer.

Mr. Cook gave notice, that on Thursday next, he would introduce a bill to dispose of the five per cent. fund donated to the State of Arkansas.

The orders of the day were now taken up, and the bill entitled an act further to regulate proceedings on executions, was taken up and read a second time; when,

Mr. Rust moved to lay the bill on the table.

Mr. Arrington called for the ayes and noes, and they were ordered, and the question decided in the negative, by ayes 22, noes 34.

The members voting affirmatively, are

Messrs. Armstrong, Bizzell, Calvert of Saline, Calvert of St. Francis, Counts, Gaines of Scott, Gage, Haynes, Jeffrey, Marks, Martin Pulaski, Mayers, Miller, Milligan, Nott, Roane, Rust, Scott, Thompson, Vaughan, Waters, and Mr. Speaker—22.

The members voting negatively, are

Messrs. Arrington, Baines, Bateman, Brazil, Blakemore, Burke, Crutchfield, Cline, Cook, Field, Fancher, Flanagan, Finley, Gray, Greenwood, Humphrey, Hardwick, Hanly, Johnson, Llewellyn, Lemoyne, Logan, Martin of Franklin, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Tackett, and Wiley—34.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have assented to the bill from the House entitled "an act to establish the county of Fulton," which is herewith returned.

On motion of Mr. Llewellyn, the bill was referred to a select committee, consisting of

Messrs. Greenwood, Logan, Llewellyn, Cline, Baines, Arrington, and Stout.

The bill of the House entitled an act allowing compensation to Elijah A. Moore, as one of the commissioners of the Penitentiary, was taken up and read a second time; and

On motion of Mr. Crutchfield, the rules of the House were dispensed with, 44 to 11, and the bill read a third time; when,

Mr. Martin of Franklin, called for the ayes and noes, and they were ordered, and the bill was rejected, by ayes 21 to noes 35.

The members voting in the affirmative, are

Messrs. Arrington, Burke, Crutchfield, Calvert of Saline, Counts, Cook, Flanagan, Finley, Haynes, Houston, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Nott, Peeler, Roane, Steuart of Desha, Waters, and Mr. Speaker—21.

The members voting in the negative, are

Messrs. Armstrong, Baines, Bateman, Bizzell, Brazil, Blakemore, Campbell, Calvert of St. Francis, Cline, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hardwick, Jeffrey, Johnson, Martin of Franklin, Mayers, Miller, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Robertson, Rust, Stewart of Clark, Sullivan, Stout, Scott, Tackett, Thompson, Vaughan, and Wiley—35.

On motion of Mr. Mayers, the vote upon the bill was reconsidered and the bill put again upon its third reading; when,

On motion of Mr. Rust, the bill was re-committed to a committee, consisting of

Messrs. Crutchfield, Martin of Pulaski, Rust, Gibson, and Mayers.

On motion of Mr. Lemoyne, the committee were instructed and authorized to send for persons and papers touching the matter of E. A. Moore's acting as commissioner.

The bill of the House entitled an act requiring certain lands to be listed with the assessor of the proper county for taxation, was taken up and read a second time.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have passed an act for the relief of John McElhany, and the assent of the House is asked; when the bill was taken up and read; and,

On motion of Mr. Greenwood, the rules were dispensed with, 46 to 6, and the bill read a second and third time and passed, and was returned to the Senate whence it originated.

The bill from the Senate entitled an act regulating the mode of proceedings in recognizances in criminal cases, was taken up and read a first time and ordered to a second reading.

On motion of Mr. Rieves of Crittenden, the bill entitled "an act to locate certain lands," was taken up on its third reading and read; when,

Mr. Crutchfield offered as a substitute a bill entitled "an act for the benefit of such persons as have settled on, or have made improvements on public lands in this State; and, also, for such persons as may hereafter settle on, or improve any of said lands," which was put upon its third reading; and,

On motion of Mr. Cline, was referred to a committee, consisting of

Messrs. Crutchfield, Rieves of Crittenden, and Waters.

Mr. Gray offered the following:

Resolved, That the committee on the bill substituted by Mr. Crutchfield, be instructed to report the amount that each county would be entitled to in proportion to their white population, and that it be incorporated in the bill.

Which was adopted.

Mr. Roberts moved to take up the bill entitled an act for the more speedy collection of debts, and called for the ayes and noes upon the question, which were ordered, and the question decided in the negative.

The members voting in the affirmative, are

Messrs. Arrington, Bizzell, Brazil, Blakemore, Burke, Campbell, Cline, Fancher, Gray, Greenwood, Haynes, Hardwick, Jeffrey, Johnson, Llewellyn, Logan, Martin of Franklin, Miller, Milligan, Parks, Roberts, Rust, Stewart of Clark, and Tackett—24.

The members voting negatively, are

Messrs. Armstrong, Baines, Bateman, Calvert of Saline, Calvert o

St. Francis, Counts, Field, Flanagan, Gaines of Chicot, Gaines of Scott, Gage, Humphrey, Hanly, Houston, Lemoyne, Marks, Martin of Pulaski, Mayers, Nott, Peeler, Reeves of Crawford, Rieves of Crittenden, Robertson, Stewart of Desha, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—33.

The preamble and resolution from the Senate, instructing the Executive to open a correspondence with the Secretary of War, on the subject of the defenceless condition of the border of the western frontier of this State, was now taken up, and read and adopted, and was transmitted to the Senate whence it originated.

The bill of the House entitled "an act for the relief of George W. Wells, was read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the Senate entitled "an act to authorize the Auditor to draw warrants on the Treasurer in certain cases," was taken up and read; and

On motion of Mr. Flanagan, the rules were dispensed with, 45 to 6, and the bill read a second time, and was referred to a committee consisting of Messrs. Flanaghan, Hanly, and Finley.

The Senate's memorial to Congress concerning the erection of fortifications along the frontier, and appropriations for the completion of the same, and other public defences, was now taken up, and read a first time, and ordered to a second reading.

On motion of Mr. Robertson, the House adjourned.

December 20th, 1842.
Tuesday morning, 9 *o'clock.*

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as Chaplain.

Petitions from counties were declared in order.

Mr. Sullivan of St. Francis, presented a series of proposals in way of memorial for the improvement of the military road, leading from Memphis, Tennessee, to Little Rock.

Which was read, and

On motion of Mr. Peeler, was referred to the committee on internal improvements.

On motion of Mr. Rust, Mr. Sullivan was added to the committee on internal improvements.

Mr. Roane of Jefferson, presented a petition from a great number of the citizens of the county of Jefferson, asking for a relief law; which was read, and referred to a committee consisting of Messrs. Greenwood, Logan, and Llewellyn, to whom had been referred petitions upon the same subject.

Mr. Crutchfield presented a petition from several citizens of Pulaski county, remonstrating against the proposed division of Pulaski county, and establishment of a new county.

Which was read and referred to the committee on counties and county lines.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled "an act to establish the county of Fulton."

Reports from select committees were in order.

Mr. Greenwood, from the committee to whom was referred the bill entitled "an act to extend the time for the return on executions," on leave,

Reported the bill back to the House without amendment.

Mr. Conway, from the committee to whom was referred the bill entitled "an act putting the State Bank and branches into liquidation, and annexing them to the Treasury Department," on leave given,

Reported by bill entitled "an act to establish a Finance Agent for the State of Arkansas, and for other purposes."

Which report and bill was read; when

On motion of Mr. Oldham, the rules of the House were dispensed with, 53 to 3, and the bill read a second time; when

On motion of Mr. Conway,

The bill was referred to a committee of the whole House, and made the order of the day for Monday next.

On motion of Mr. Crutchfield,

One hundred copies were ordered to be printed.

On motion of Mr. Greenwod, leave of absence was granted Mr. Marks, until the first day of January next.

Mr. Greenwood, from the committee to whom was referred the petition of sundry persons of Conway and Perry counties, asking for the enactment of a relief law, on leave given,

Reported, That having had the same subject under consideration, and that a bill was now before the House for the same purpose, would beg leave to be excused from further consideration.

The business on the Speaker's table was now taken up.

The bill of the Senate entitled "an act to attach part of the county of Desha to the county of Bradley,"was taken up, and read a first time, and ordered to a second reading.

The bill of the Senate entitled "an act to afford a more speedy remedy in cases of assault and battery," was taken up and read a first time; when,

On motion of Mr. Gaines of Scott, the rules of the House were dispensed with, 37 to 15, and the bill read a second time; and

On motion of Mr. Lemoyne, was referred to the committee on the judiciary.

The bill of the Senate entitled, "an act to repeal an act to leave out the sixteenth sections in the county of Chicot, and to incorporate the Chicot Academy," was read a first time; when,

On motion of Mr. Roane, the rules were dispensed with, 49 to 7, and the bill read a second time; and

On motion of Mr. Llewellyn, the rules were dispensed with, 47 to 5, and the bill read a third time, and passed; and was transmitted to the Senate whence it originated.

The bill of the Senate entitled, "an act amendatory of an act in the 99th chapter of the Revised Statutes, page 576, concerning mills and millers," was read a first time; when,

Mr. Roane amended by inserting in the first section the enacting clause, when the bill was ordered to a second reading.

The resolution from the Senate, proposing the amendment to the Constitution of the State so as to enlarge the jurisdiction of justices of the peace in penal and criminal cases, was taken up and read a first time; when,

On motion of Mr. Roberts, the resolution was laid on the table until a similar resolution from the House, containing the same provisions, should be reported back from the Senate; which was transmitted to the Senate on Thursday last, and the Senate informed thereof by message.

The bill of the Senate entitled "an act to repeal section 131 of the Revised Statutes, chapter 116, was taken up, and read; and,

On motion of Mr. Lemoyne, the bill was rejected, and the Senate informed thereof by message.

The bill from the Senate to exempt certain persons from paying State and county taxes, was taken up, and read a first time; when,

On motion of Mr. Robertson, the rules were dispensed with, 47 to 9, and the bill read a second time; when,

On motion of Mr. Counts, the bill was referred to the committee on the judiciary.

Message from the Governor by his private Secretary, Mr. A. B. Greenwood:

Signifying the Executive's assent to "an act to locate permanently the seat of justice of Desha county," approved the 20th December, 1842.

The bill of the Senate entitled "an act relating to the overseers of roads in the the State of Arkansas," was taken up, and read a first time; and ordered to a second reading.

The bill of the Senate entitled "an act for the relief Lemuel R. Lincoln," was read a first time; when,

On motion of Mr. Roane, the rules were dispensed with, 39 to 15, and the bill read a second time; when,

On motion of Mr. Martin of Pulaski, the rules were dispensed with, 45 to 7, and the bill read a third time, and passed; and was transmitted to the Senate for their assent.

The bill of the House entitled "an act concerning the recording of titles to real estate," was taken up, and read a second time.

The bill of the House entitled "an act to amend the Statutes of this State in relation to estrays," was taken up, with the amendment from the Senate, and the amendment read; and,

On motion of Mr. Humphrey, the amendment was concurred in, and the Senate informed thereof by message.

The resolution of the House as reported from the committee to whom was referred the petition of L. D. Marchand, respecting instructing members of Congress from the State of Arkansas, to use their endeavors to enact a law indemnifying the citizens of the United States for spoilations by France, prior to the year 1800, was taken up, and read, and adopted; and was, with the documents accompanying, transmitted to the Senate for their concurrence.

The bill of the House entitled "an act to make an alteration in the line dividing the county of Hempstead from the county of Sevier, and for other purposes," was taken up, and read.

Mr. Conway moved to lay the bill on the table until 1st January, 1850.

Which motion was lost; when,

On motion of Mr. Armstrong, the rules of the House were dispensed with, 40 to 10, and the bill read a third time; when

Mr. Conway called for the ayes and noes on its final passage, and they were ordered; and the bill rejected by—ayes 20 to noes 38.

The members voting affirmatively, are

Messrs. Armstrong, Brazil, Burke, Calvert of St. Francis, Flanagan, Finley, Gaines of Chicot, Gaines of Scott, Gray, Gage, Llewellyn, Martin of Pulaski, Milligan, Nott, Reeves of Crawford, Roane Rust, Sullivan, Scott, and Vaughan—20.

The members voting negatively, are

Messrs. Arrington, Baines, Bateman, Bizzell, Blakemore, Conway, Campbell, Calvert of Saline, Counts, Cline, Cook, Field, Fancher, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Lemoyne, Logan, Martin of Franklin, Mayers, Miller, Peeler, Parks, Rieves of Crittenden, Roberts, Robertson, Stewart of Clark, Steuart of Desha, Stout, Tackett, Thompson, Waters, Wiley, and Mr. Speaker—38.

The bill of the House entitled "an act to change the method of voting," was taken up, and read a second time, and referred to a committee of three, consisting of

Messrs. Baines, Roane, and Wiley.

The bill of the House entitled "an act to change the time of holding the general elections in this State," was taken up, and read a second time.

Mr. Arrington moved to lay the bill on the table.

Mr. Humphrey called for the ayes and noes, and they were ordered, and the question lost by—noes 37 to ayes 20.

The members voting in the affirmative, are

Messrs. Arrington, Bateman, Burke, Cook, Field, Flanagan, Gaines of Chicot, Gaines of Scott, Haynes, Llewellyn, Martin of Pulaski, Martin of Franklin, Nott, Peeler, Parks, Rust, Stewart of Clark, Tackett, Thompson, and Waters—20.

The members voting in the negative, are.

Messrs. Armstrong, Baines, Bizzell, Brazil, Conway, Campbell, Calvert of Saline, Calvert of St Francis, Counts, Cline, Fancher, Finley, Gage, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Lemoyne, Logan, Mayers, Miller, Milligan, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Steuart of Desha, Sullivan, Stout, Scott, Vaughan, Wiley, and Mr. Speaker—37.

On motion of Mr. Logan, the rules of the House were dispensed with, 41 to 13, and the bill read a third time.

Mr. Gaines of Scott, called for the previous question, which was sustained, and the ayes and noes ordered on the final passage of the bill, and the bill passed by—ayes 43, noes 17.

The members voting in the affirmative, are

Messrs. Armstrong, Baines, Bateman, Bizzell, Brazil, Blakemore, Conway, Campbell, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Finley, Gage, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Lemoyne, Logan, Martin of Franklin, Mayers, Miller, Milligan, Nott, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Steuart of Desha, Sullivan, Stout, Scott, Tackett, Vaughan, Waters, and Mr. Speaker—43.

The members voting negatively, are

Messrs. Arrington, Byers, Burke, Crutchfield, Field, Flanagan, Gaines of Chicot, Gaines of Scott, Gray, Haynes, Llewellyn, Martin of Pulaski, Peeler, Rust, Stewart of Clark, Thompson, and Waters—17.

On motion of Mr. Scott, the House adjourned.

December 21st, 1842.
Wednesday morning, 9 o'clock.

The House met pursuant to adjournment.

The Reverend Chaplain absent.

No petitions from counties were offered.

Reports from standing committees were declared in order.

Mr. Greenwood from the standing committee on enrollments, on leave given,

Reported correctly enrolled the resolution of this General Assembly instructing the members of Congress from the State of Arkansas, to use their influence to have refunded to General Andrew Jackson the fine imposed upon him by the District Court of Louisiana, in the year 1815, for disobeying a writ of habeas corpus, while New Orleans was subject to martial law.

Reports from select committees were now in order.

Mr. Parks, from the committee to whom was referred the petition from several citizens of Yell county, on leave given,

Reported by bill entitled "an act declaring the Pettit Jean a navigable stream."

Which was read a first time.

Mr. Stout, from the committee to whom was referred the petition of the citizens of Washington county, asking for a relief law, on leave given,

Reported that the same matter had been under consideration, and that a bill for that purpose, and provisions was now under the action of the House, and asked to be excused from further consideration.

Mr. Crutchfield, from the committee to whom was referred the bill of the House entitled "an act for the benefit of such persons as have settled on, or have made improvements on public lands in this State, and also for such persons as may hereafter settle on or improve any of such lands," on leave given,

Reported the bill back to the House with divers amendments, which were read and accepted.

Mr. Cook, from White, would amend by striking from the eighth section, the part dividing and distributing the proceeds in the several counties according to their white population, and insert in lieu thereof, "to be distributed among the several counties according to the number of square miles in each county."

Mr. Oldham called for the division of the question, which was ordered, and the question first put upon the striking out, which was carried.

When the question was put on filling up, and the question lost.

Mr. Robertson called for the previous question, and was sustained, and the question put upon the final passage of the bill, and the vote was taken and the bill passed; and was transmitted to the Senate for their assent.

Mr. Crutchfield, from the committee on printing, on leave given,

Reported that Eli Colby had, on the 20th instant, filed with the chairman of that committee of this General Assembly, his bond as required by resolution, in the sum of two thousand dollars, with three good securities, to wit: William Pelham, William Brown, and Thomas S. Reynolds, which the committee consider good and sufficient securities, and ask to be released from further consideration of the subject.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill from the House entitled "an act to incorporate the town of Van Buren, 'and have added thereto some amendments, which are appended to the bill, and therewith returned;'"

And the concurrence of the House is asked.

And the Senate have also assented to the bill from the House entitled "an act to incorporate the town of Fort Smith," and have added thereto some amendments, which are appended to the bill, and the concurrence of the House is asked.

The Senate have also passed the following resolution:

Resolved, That the printer for the General Assembly, be required to print one hundred and forty copies of the Fee bill, passed at this session, at as early a period as practicable, and deliver the same to the Secretary of the Senate, to be distributed by the members to the several county officers interested therein, and the assent of the House is asked.

The Senate have also assented to the bill of the House entitled "an act for the relief Geo. Wells," which is herewith annexed.

Mr. Field offered the following preamble and resolution:

Whereas, a committee of five has been appointed by this House, in pursuance of sundry resolutions, to enquire into the judicial conduct of the Hon. Thomas J. Lacy, one of the Judges of the Supreme Court of the State of Arkansas, and it being believed by said committee, that there are material witnesses residing in or near Helena, and for the purpose of saving the State the expense of sending for, and bringing those witnesses to Little Rock, and for the purpose of facilitating the investigation ordered by the House,

Therefore, be it resolved, That the Hon. Thos. B. Hanly, a member of said committee be, and he is hereby authorized to proceed to Helena, and take the testimony of such witness or witnesses, as he may think necessary; that he be authorized and empowered to examine said witnesses upon oath; to send for persons and papers, to employ a competent person at the expense of the State, to execute process and make return thereof, and that he pass over to the committee such testimony as he may obtain, at as early a day as practicable.

Which was read and adopted.

On motion of Mr. Roane, leave of absence was granted Mr. Hanly for ten days.

Mr. Roberts of Marion, offered the following resolution:

Resolved, That this House meet at 9 o'clock, A. M. and have a recess at one o'clock, P. M., and that the House meet at 3 o'clock, P. M., each day hereafter.

Which was rejected.

Mr. Mayers of Crawford, offered a preamble and resolution, instructing the members of Congress from the State of Arkansas, to ask the General Government to make an appropriation for the erection of a military road, from the city of Little Rock to Fort Smith, on the South side of the Arkansas river.

Which was read a first time, and ordered to a second reading.

The orders of the day were now taken up.

The bill entitled "an act to incorporate the town of Van Buren," was taken up, and the amendments from the Senate read and agreed to.

The bill entitled "an act to incorporate the town of Fort Smith," was taken up, with the amendments from the Senate, and the amendments were read and agreed to, and the Senate informed thereof by message.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House, ratifying and confirming the acceptance of the Governor of this State, for and in behalf of the State, of the grant of five hundred thousand acres of land, under and by the provisions of an act of the Congress of the United States entitled "an act to appropriate the proceeds of the sales of public lands, and to grant pre-emption rights, the 4th September, A.D. 1841."

The bill of the House entitled "an act to extend the time of returning executions," was taken up and read a third time.

Mr. Arrington would amend by adding another section, excepting the bank debts from the provisions of the bill.

Mr. Conway moved to lay the bill and amendment on the table, until the first day of January, 1850.

Mr. Miller called for the ayes and noes, and they were ordered.

When the call of the roll had progressed to the call of the 5th member on the roll

Mr. Martin of Pulaski, interrupted the call of the roll, and moved a call of the House, which was ordered at 40 minutes past twelve o'clock.

The roll was called, and the members from their seats were sent for by the Sergent-at-arms, when at 40 minutes past 1 o'clock, the absent members, Messrs. Byers and Crutchfield were called, and found in their seats.

Messrs. Oldham and Brazil absent without leave.

When the business suspended by the call was progressed in, and the members voting in the affirmative are,

Messrs. Armstrong, Bizzell, Burke, Conway, Campbell, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gage, Jeffrey, Johnson, Lemoyne, Martin of Pulaski, Mayers, Nott, Roberts, Stewart of Desha, Scott, Thompson, Vaughan, Wiley—27.

The members voting negatively, are

Messrs. Arrington, Baines, Byers, Bateman, Blakemore, Cline, Cook, Field. Fancher, Gray, Greenwood, Haynes, Humphrey, Hardwick, Houston, Logan, Martin of Franklin, Miller, Milligan, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Robertson, Rust, Stewart of Clark, Sullivan, Stout, Tacket, and Waters—30.

So the motion to lay on the table was lost.

On motion of Mr. Field, leave of absence was granted Mr. Llewellyn for three days.

Mr. Field moved to adjourn.

Mr. Roberts called for the ayes and noes, and they were ordered, and the question decided in the affirmative by ayes 34, noes 23.

The members voting affirmatively, are

Messrs. Arrington, Baines, Blakemore, Conway, Crutchfield, Calvert of Saline, Counts, Cline, Cook, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Martin of Pulaski, Mayers, Peeler, Rust, Stewart of Clark, Stewart of Desha, Sullivan, Stout, Scott, Tackett, Vaughan, Waters, and Wiley—34.

The members voting in the negative, are

Messrs. Armstrong, Byers, Bateman, Bizzell, Burke, Campbell, Calvert of St. Francis, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Lemoyne, Logan, Martin of Franklin, Miller, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, and Thompson—23.

So the House adjourned at 30 minutes past 2 o'clock, P. M.

DECEMBER 22D 1842.
Thursday morning, 9 *o'clock*.

The House met pursuant to adjournment.

The Rev. W. W. Stevenson officiated as Chaplain.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House, instructing our Senators, and requesting our Representative in Congress, to use their efforts to cause provision to be made by law, for the equitable adjustment of the claims of our citizens, by spoliations of France, prior to the year 1800.

The Senate have also assented to the following bills from the House, viz:

"An act for the relief of Lemuel R. Lincoln," and have added to the same an amendment, which is thereto appended, and herewith returned, and the concurrence of the House is asked thereto.

The Senate have also assented to the bill from the House entitled "an act to change the time of holding the general elections in this State, and have added thereto an amendment, by striking out all of the first section, after the word assembly," in the 15th line thereof, which is thereto appended, and therewith returned; and the concurrence of the House is asked thereto.

On motion of Mr. Martin of Pulaski, leave of absence was granted to Mr. Crutchfield for one day, on important business.

On motion of Mr. Wiley, leave of absence was granted Mr. Brazil, until Monday next.

Petitions from counties were declared in order.

Mr. Mayers of Crawford, presented a petition from Charles M. Hudspeth, justice of the peace in upper township, in Crawford county, praying that a law be enacted, authorising him to transfer his docket to one Samuel Edmondson, a justice of the peace in said township, and county; which was read, and referred to a committee, consisting of

Messrs. Mayers, Reeves of Crawford, and Stewart of Desha.

Mr. Logan of Pope, presented a petition from sundry citizens of Pope county, asking that a portion of that county be stricken off, and attached to the county of Yell; which was read, and referred to a committee, consisting of

Messrs. Logan, Roane, and Parks.

Mr. Stewart of Desha, presented a petition from John Malpass, praying for a law authorising the Probate Court of the county of Desha, to settle certain matters between the petitioner and the administrator of the estate of William Montgomery, deceased; which was read, and referred to a select committee of three, consisting of

Messrs. Stewart of Desha, Humphrey, and Johnson.

Reports from standing committees were in order.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled, the bill entitled "an act for the relief of Geo. W. Wells."

Mr. Logan, from the committee to whom was referred the petition from John R. H. Scott, and R. W. Jamison, guardians of the minor heirs of George Jamison, deceased, asking for a law authorising them to sell a certain described tract of land, on leave given,

Reported by bill entitled "an act to authorise John R. H. Scott, and Robert W. Jamison, guardians of the minor heirs of George Jamison, deceased, to sell a certain tract of land belonging to the estate of said deceased."

Which was read; and

On motion of Mr. Logan, the rules of the House were dispensed with, 43 to 13, and the bill read a second and third time, and passed, and was transmitted to the Senate for their assent.

Mr. Baines from the committee to whom was referred the bill changing the mode of voting in this State from *viva voce* to that of ballot, on leave given,

Reported the same back to the House without amendment.

Mr. Byers would amend the bill by inserting the word "printed" in the 6th line of the 5th section.

Mr. Arrington called for the ayes and noes on the amendment, which were ordered, and the question negatived, by noes 34 to ayes 22.

The members voting in the affirmative, are

Messrs. Byers, Bateman, Burke, Conway, Campbell, Cocke, Calvert of Saline, Counts, Flanagan, Gibson, Gray, Humphrey, Lemoyne, Logan, Mayers, Milligan, Nott, Roane, Robertson, Rust, Steuart of Desha, and Mr. Speaker—22.

The members voting in the negative, are

Messrs. Armstrong, Baines, Bizzell, Blakemore, Calvert of St. Francis, Cline, Cook, Field, Fancher, Gaines of Chicot, Gaines of Scott, Gage, Greenwood, Haynes, Hardwick, Houston, Jeffrey, Johnson, Martin of Pulaski, Martin of Franklin, Miller, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Stewart of Clark, Sullivan, Stout, Scott, Tackett, Vaughan, Waters, and Wiley—34.

Mr. Miller moved to lay the bill on the table indefinitely.

Mr. Mayers called for the ayes and noes, and they were ordered, and the question decided in the affirmative by ayes 30 to noes 27.

The members voting affirmatively, are

Messrs. Armstrong, Conway, Campbell, Cocke, Counts, Cook, Field, Flanagan, Finley, Gaines of Scott, Gray, Gage, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Martin of Franklin, Miller, Milligan, Nott, Peeler, Parks, Reeves of Crawford, Roberts, Roane, Rust, Scott, and Tackett—30.

The members voting negatively, are

Messrs. Arrington, Baines, Byers, Bateman, Bizzell, Blakemore, Burke, Calvert of Saline, Calvert of St. Francis, Cline, Fancher, Gibson, Greenwood, Lemoyne, Logan, Martin of Pulaski, Mayers, Rieves of Crittenden, Robertson, Steuart of Desha, Sullivan, Stout, Vaughan, Waters, Wiley, and Mr. Speaker—27.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act authorizing the administrator of Allen McVay, deceased, to convey certain lands," which is herewith transmitted, and the assent of the House invited thereto.

The Senate have also passed a bill to be entitled "an act to authorize Fleetwood Hanks, surviving administrator of the estate of Millinder Hanks, deceased, to sell real estate, &c." and have added an amendment to the same, which is thereto appended, and herewith returned, and the concurrence of the House is asked thereto.

The Senate have also passed "an act authorizing the payment of certain sums of money to Joseph R. Bettison and others," which is herewith transmitted, and the assent of the House asked.

The Senate have also passed "an act concerning the collection of fees," which is herewith transmitted, and the assent of the House is asked thereto.

The Senate have also passed a bill entitled "an act to authorize the present sheriff of Chicot county to collect the taxes of 1838," which is herewith transmitted, and the assent of the House is asked thereto.

The business on the table was taken up.

The amendments of the Senate to the bill authorizing Fleetwood Hanks to sell lands of the estate of Millinder Hanks, deceased, having agreed to the amendment of the House extending the same grant to A. H. Rutherford.

Which was read, and agreed to by the House, and the Senate informed thereof by message.

The bill from the Senate entitled "an act authorizing the payment of certain sums of money to Joseph R. Bettison and others," was taken up and read.

The bill of the Senate entitled "an act to authorize the present sheriff of Chicot county to collect the taxes of 1838," was taken up and read; when

On motion of Mr. Gaines of Chicot, the rules were dispensed with, 51 to 2, and the bill read a second and third time, and passed, and was transmitted to the Senate whence it originated.

The bill from the Senate entitled "an act concerning the collection of fees," was taken up, and read a first time.

The bill of the House entitled "an act to extend the time for the return of executions," was taken up and read, with the amendment of Mr. Arrington, and the question was put upon the adoption of the amendment.

Mr. Arrington called for the ayes and noes, and they were ordered, and the question decided in the affirmative by ayes 38 to noes 20.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Baines, Bateman, Conway, Calvert of Saline, Calvert of St. Francis, Cline, Cook, Field, Fancher, Flanagan, Finley, Gaines of Chicot, Gaines of Scott, Gray, Gage, Haynes, Humphrey, Hardwick, Houston, Lemoyne, Logan, Martin of Franklin, Miller, Milligan, Nott, Parks, Reeves of Crawford, Roberts, Robertson, Rust, Sullivan, Scott, Thompson, Vaughan, and Waters—38.

The members voting negatively, are

Messrs. Byers, Bizzell, Blakemore, Burke, Cocke, Counts, Gibson, Jeffrey, Johnson, Martin of Pulaski, Mayers, Peeler, Rieves of Crittenden, Steuart of Desha, Stewart of Clark, Stout, Tackett, and Mr. Speaker—20.

On motion of Mr. Rust, the bill as amended, was referred to a select committe, consisting of

Messrs. Cocke, Arrington, Rust, Calvert of St. Francis, and Gaines of Scott.

On motion of Mr. Arrington, the House adjourned.

December 23d, 1842.
Friday morning, 9 *o'clock*.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

Mr. Scott of Sevier, from the committee on counties and county lines, to whom was referred the petition of several citizens of Pulaski county, asking to be attached to the county of White, on leave given,

Reported by bill to be entitled "an act the better to define the line between the counties of Pulaski and White.

Which was read a first time; and

On motion of Mr. Scott, the rules were dispensed with, 46 to 8, and the bill read a second time, and was referred to a committee, consisting of

Messrs. Martin of Pulaski, Crutchfield, and Cook.

Mr. Cocke, from the committee on the judiciary, on leave given, *Reported* the bill entitled "an act to repeal the law now in force, regulating the sale of property under executions, as inexpedient, and also the proposed amendment of the constitution, declaring preachers and priests inelligible to seats in the General Assembly, as improper.

And also the resolution authorising the enquiry into the expediency of amending the law concerning maiming, as also improper.

And also the bill entitled "an act concerning the limitation of actions, without amendment; which was read a third time, and recommitted to the same committee.

And also the bill entitled "an act exempting certain persons from paying county or State tax, with an amendment, by inserting or *unmarried women*, after the word widows in the first section.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed

"An act arranging the Senatorial districts, and apportioning the Senators and Representatives to the several counties in the State of Arkansas;" which is herewith transmitted, and the assent of the House is asked thereto.

The bill as reported from the judiciary committee, entitled "an act to exempt certain persons from paying county and State taxes," was taken up, and the amendment read.

When Mr. Gaines of Scott, moved to lay the bill on the table.

Mr. Roberts called for the ayes and noes, and they were ordered, and the question decided in the negative, by noes 50, to ayes 7.

The members voting in the affirmative, are

Messrs. Conway, Crutchfield, Gaines of Scott, Greenwood, Johnson, Peeler, Rieves of Crittenden—7.

The members voting negatively, are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Blakemore, Burke, Campbell, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gray, Gage, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, Nott, Parks, Reeves of Crawford, Roberts, Roane, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—50.

Mr. Logan of Pope, amended by striking out all after the enacting clause, and inserting all widows or unmarried women, who do not own any land or negro property, nor a greater amount of personal property than five hundred dollars be, and the same is hereby exempt from paying any tax, either for State or county purposes.

When Mr. Hardwick amended the amendment, by insterting as a econd section:

And be it further enacted, That the foregoing section shall not be so construed, as to prevent widows from paying tax on money loaned at interest, or to exempt any other person or persons, from paying tax on the same species of property.

When Mr. Cline amended in the fourth line, by striking out the word prevent, and inserting the word exempt.

Which amendment as amended, was adopted, and substituted for the original bill.

When Mr. Robertson moved the previous question, and it was sustained, and the question put, and the bill passed.

Mr. Scott, from the committee on counties and county lines, on leave given,

Reported upon the several petitions from sundry citizens of Pulaski county, asking for the establishment of a new county, and also upon the several counter petitions remonstrating, that the committee deem it inexpedient to establish a new county.

Mr. Stout, from the committee on claims, to whom was referred the petition of John Wassell and Henry F. Pendleton, praying for compensation for measuring the carpenters' work on the State House and Public Buildings, on leave given,

Reported, That having had the matter thoroughly investigated, the committee deem it improper to grant the request of said petitioners, as in the opinion of the committee, the petitioners are not justly entitled to the claims as set forth in the petition.

Mr. Flanagan from the committee on the auditor's and treasurer's books, on leave given,

Reported, That they have had the same under examination, and having carefully examined the vouchers and books, and having diligently compared them, and made the necessary calculation, take pleasure in saying that they find them correct.

The committee would add, that they have found in the arrangement of vouchers and manner of entries a studious attention to order and perspicuity highly creditable to their abilities, and extremely commendable in officers whose duties are so various, and in many cases so essentially different.

Your committee would suggest the propriety of so amending the revenue laws as to permit non-residents to pay their taxes into the State Treasury. Your committee believe that less land would be sold for taxes, and still less forfeited to the State under the operation of such a law.

Your committee would further suggest the propriety of passing a law authorizing the Secretary of State to purchase a sufficiency of stationery and wood for the next session of the General Assembly, at least three months previous to the session. By a compliance, your committee believe that a saving of one half the expenses for these purposes might be made. Before the examination it was ascertained that the State debt on the first day of April next, will probably be near the sum of two hundred and seventy thousand dollars. As the State Bank will probably be put into liquidation during the present sesssion of the General Asssembly, and as the State has a credit for her share of the surplus revenue amounting to the sum of three hundred and thirty-nine thousand seven hundred and twenty-four dollars and ninety-eight cents, your committee would recommend that that sum be placed to the credit of the State, and by that means liquidate the State debt. Your committee would further suggest, that there has been at different times very considerable sums applied to the payment of postage for the different departments of Government, and as it has to be settled with Arkansas money, the State not unfrequently pays inordinately large sums to procure specie to liquidate sums in themselves inconsiderable. The only remedy your committee are able to propose is, that the State Bank, or those who hold its funds after it is put into liquidation, shall be required to place under the control of the State Treasurer a sum in specie sufficient to cover the expenses of postage.

Your committee are convinced from thorough investigation that the labors and duties of Auditor are so numerous and complicated, and are increasing in such a manner, that the usual appropriation for clerk hire is wholly insufficient, and would recommend that the appropriation for that purpose be the sum of two thousand dollars. In recommending this alteration, your committee have not been unmindful of the present depressed condition of our State finances, but deem it essential to enable that officer to keep his numerous duties performed at the proper time. Your committee would recommend, that the appropriation to pay contingent expenses of the General Assembly in 1840, and the appropriation to pay enrolling clerk in 1837 and 1838, be applied to the contingent expenses of the present General Assembly, and that items 36, 37, and 38, in exhibit A to Treasurer's Report, be applied to the contingent expenses of the Executive Department, as those appropriations are no longer necessary. Your committee have received from the Treasurer and have now in their possession State Scrip amounting to $32 00, which has been redeemed by the Treasurer during the last two fiscal years, which we recommend to be burnt.

Your committee would further say, that as the law now stands, the public printer does not print the reports of the Supreme Court. Your committee deem it a matter of sufficient importance to justify legislation, as without doubt the printing by that means would be done for less than at present.

Your committee are not sure that some subjects referred to are appropriately before them. If so, their apology must be that in performing their duties they ascertained the evils, and for that reason reported upon them.

All of which is respectfully submitted.

FLANAGAN, *Chairman*
on part of the House.

Mr. Greenwood from the committee on enrollments, on leave given *Reported* correctly enrolled the bill entitled an act to alter and amend the Statutes of this State in relation to estrays.

Mr. Martin of Pulaski, from the committee to whom was referred the bill entitled an act allowing compensation to Elijah A. Moore, as one of the commissioners of the Penitentiary, on leave given,

Reported the bill back to the House without amendment, and urgently recommended its passage.

Mr. Rust of the same committee, made a counter report remonstrating against the passage of the bill, when the bill was put upon its final passage.

Mr. Milligan called for the ayes and noes, and they were ordered, and the bill passed by ayes 51 to noes 4.

The members voting in the affirmative are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Blakemore, Burke, Conway, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Field, Fancher, Flanagan, Gibson, Gaines of Chicot, Gaines of Scott, Gage, Greenwood, Haynes, Hardwick, Houston, Jeffrey, Johnson, Lemoyne, Logan, Martin of Pulaski, Mayers, Miller, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden Roberts, Roane, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Tackett, Thompson, Waters, Wiley, and Mr. Speaker—51.

The members voting in the negative are

Messrs. Humphrey, Martin of Franklin, Milligan, and Vaughan—4.

So the bill passed, and was transmitted to the Senate for their assent thereto.

Mr. Peeler from the committee to whom was referred the petition of sundry inhabitants of Desha county, asking for a law authorizing the county Court to lease out the 16th seection, or school land, in township number nine, south of range No. 1 West of the fifth principal meridian, on leave given,

Reported by bill to be entitled, "an act to lease certain sections," which was read a first time, and ordered to a second reading,

Mr. Greenwood from the committee to whom was referred the bill entitled "an act further regulating proceedings under executions," on leave given,

Reported, That in the opinion of the committee, the bill should not become a law.

Mr. Lemoyne from the committee to whom the petition of Mrs. Mary Fletcher was referred, on leave given,

Reported by bill entitled "an act to extend the charter authorizing Frederick Fletcher to erect a bridge across the Point Remove Creek from the year 1851 to the year 1861;" when

On motion of Mr. Tackett, the rules of the House were dispensed with, 44 to 10, and the bill read a second and third time, and passed, and was transmitted to the Senate for their assent thereto.

Mr. Scott from the committee on counties and county lines, to whom was referred the petition of 532 citizens of Madison county, praying for alterations of the line between Madison and Washington county on leave given,

Reported the same to the House by a bill entitled "an act to better define the boundary line between the county of Madison, and the county of Washington," which was read.

Mr. Cline, from a minority of the same committee, reported against the bill.

Message from the Governor by Mr. A. B. Greenwood, signifying his Excellency's assent to "an act to establish the county of Fulton," approved 21st December, 1842.

And a Resolution praying Congress to refund to General Andrew Jackson, the fine of $1000 imposed upon him by the District Court of Louisiana, in the year 1815; approved 21st December, 1842.

Also an act for the relief of Geo. W. Wells; approved 22d December, 1842.

On motion of Mr. Oldham, the rules were dispensed with, 43 to 18, and the bill read a second time.

Mr. Cline moved to lay the bill on the table till the 4th July next.

Mr. Vaughan called for the ayes and noes, and they were ordered and the question was decided in the affirmative, by ayes 35, noes 14.

The members voting in the affirmative are

Messrs. Arrington, Baines, Byers, Bateman, Bizzell, Blakemore, Burke, Conway, Campbell, Counts, Cline, Cook, Fancher, Flanagan, Gibson, Gaines of Scott, Gray, Greenwood, Jeffrey, Logan, Martin of Franklin, Miller, Milligan, Nott, Parks, Rieves of Crittenden, Stewart of Clark, Steuart of Desha, Stout, Tackett, Thompson, and Mr. Speaker—35.

The members voting in the negative are

Messrs. Calvert of St. Francis, Gage, Houston, Peeler, Reeves of Crawford, Robertson, Sullivan, Scott, Vaughan, Waters, and Wiley—14.

On motion of Mr. Stewart of Clark, the House adjourned.

December 24th, 1842.
Saturday morning, 9 *o'clock.*

The House met pursuant to adjournment.

Chaplain absent.

On motion of Mr. Calvert of St. Francis, leave of absence was granted to Mr. Sullivan for ten days.

On motion of Mr. Martin of Pulaski, leave of absence was granted to Mr. Johnson for one day.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled "an act to incorporate the town of Van Buren," and also "an act to incorporate the town of Fort Smith."

Mr. Roberts of Marion, introduced the following resolution:

Whereas, this General Assembly has now been in session seven weeks, and during that period, but four bills of a general character have been passed, and as the most important business has yet to be deliberated upon, and demands a definite action by this Assembly; and

Whereas, the same course that has been pursued previous to this time, would require about three months to get through the business now under consideration; then in order that the present session may not be protracted to great and unusual length, and due deliberation had upon all matters of importance, with just regard to the claims of the citizens generally, with an eye single to the enormous and unprecedented probable cost to the State of the present session,

Be it resolved by the House of Representatives of the State of Arkansas, That from and after the 25th day of December, inst., the House will meet at the hour of 9 o'clock, A. M. of each day, and continue in session until one o'clock, P. M., at which time the House may take a recess of one hour, at the expiration of which time, they shall again meet, and continue in session until five o'clock, P. M.; and members failing to attend after such recess at the time prescribed, shall be considered absent without leave, as though such recess had not been taken, and without a satisfactory explanation, may be reprimanded by the House, and forfeit his or their per diem allowance.

Mr. Roberts called for the ayes and noes.

Mr. Gray introduced the following as a substitute, which was accepted by the mover, Mr. Roberts:

Whereas, we, the Representatives of the people, having assembled for the purpose of passing such local and general laws as the wants of our constituents demand, will, for the purpose of accomplishing this desirable object at as early a day as practicable, meet regularly after Monday next, at 9 o'clock, A. M. and not adjourn before 12 o'clock, P. M., meet again at 2 o'clock, P. M. each day during the present term of this General Assembly.

Mr. Field offered to amend the substitute, by the following:

And be it further resolved, That on motion to adjourn, the ayes and noes shall not be called for, nor shall the ayes and noes be called for more than thirteen times each day.

Mr. Rust moved to lay the whole on the table.

Mr. Gray and Roberts contested for the call of the ayes and noes, on laying the resolution on the table, and they were ordered, and the question was lost by ayes 29, noes 29.

The members voting affirmatively are

Messrs. Arrington, Blakemore, Conway, Campbell, Crutchfield, Counts, Cook, Field, Flanagan, Finley, Gibson, Gaines of Scott, Geenwood, Haynes, Houston, Lemoyne, Mayers, Miller, Peeler, Reeves of Crawford, Rieves of Crittenden, Roane, Rust, Steuart of Desha, Sullivan, Stout, Scott, Tackett, and Waters—29.

The members voting negatively are

Messrs. Armstrong, Baines, Byers, Bateman, Bizzell, Burke, Calvert of Saline, Calvert of St. Francis, Cline, Fancher, Gray, Gage, Humphrey, Hardwick, Jeffrey, Logan, Martin of Pulaski, Martin of

Franklin, Milligan, Nott, Parks, Roberts, Robertson, Stewart of Clark, Thompson, Vaughan, Wiley, and Mr. Speaker—29.

Mr. Roberts now called for the previous question, which was sustained, and with leave of the House was withdrawn.

Mr. Reeves of Crawford, moved to refer the whole to the committee on ways and means.

On motion of Mr. Scott, the House adjourned.

DECEMBER 26TH, 1842.
Monday morning, 9 *o'clock.*

The House met pursuant to adjournment.

Chaplain absent.

On motion of Mr. Mayers, leave of absence was granted Mr. Gibson, on account of indisposition of his family.

On motion of Mr. Humphrey, leave of absence was granted Mr. Robertson.

Mr. Mayers of Crawford, presented a petition from 400 citizens of Crawford, Franklin, Scott, and Johnson counties, asking that the four counties be divided, so as to make a new county, leaving two separate counties on the north side of the Arkansas river; which was read and referred to a committee, consisting of the members of the House from the four counties.

Mr. Mayers of Crawford, presented a petition from sundry citizens of Crawford county, praying for a reduction of county and State taxes; which was read and referred to a committee of three, consisting of

Messrs. Mayers, Reeves of Crawford, and Gray.

Mr. Miller of Franklin, presented a petition from about 300 citizens of Franklin, remonstrating against the division of the counties of Crawford, Franklin, Scott, and Johnson, so as to make a new county from the four; which was read and referred to a committee, consisting of the members from these four counties.

Mr. Greenwood, from the committee on enrollments, on leave given, *Reported* correctly enrolled "an act authorising the administrator of Allen McVay, to convey certain real estate, and a resolution instructing the members of Congress from the State of Arkansas, to use their exertions to adjust the claims of the citizens of the United States, for spoliations by France, prior to the year 1800; and that the same committee had transmitted to the Governor for approval, on the 24th inst. "an act to incorporate the town of Van Buren, and also "an act to incorporate the town of Fort Smith," and "an act to amend the Statutes in relation to estrays.

Mr. Gray's substitute to Mr. Roberts' resolution of Saturday, realting to the order of business hours, and adjournment, was taken up and read, and referred to the committee on ways and means.

Mr. Mayers gave notice that, on to-morrow, he would offer a resolution concerning the hours of meeting and adjourning, and to amend the rules of the House now in force.

Mr. Greenwood, from the committee to whom was referred the petition from several citizens of Jefferson county, asking for a stay law, in relief of debtors, on leave given,

Reported that the same matter being now under action in the House, and therefore would ask to be excused from the consideration on the subject.

Mr. Roane of Jefferson, pursuant to notice, introduced a bill entitled "an act for the relief of George Dack, of Jefferson county, which was read a first time, and

On motion of Mr. Roane, the rules of the House were dispensed with, 38 to 8, and the bill read a second and third time and passed, and was transmitted to the Senate for their assent.

Mr. Gaines of Chicot, introduced the following preamble and resolution:

Whereas, John Field, Esq., a member of the present General Assembly, was elected Judge of the sixth Judicial circuit of this State, on the day of , A. D. 1842, and is still holding his seat in the House of Representatives, and acting as a Representative therein, from the county of Hempstead;

Whereas, the constitution of this State provides that the powers of the government of this State, shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy, to wit: those which are legislative to one; those which are Executive to another; and those which are judicial to another; and that no person or collection of persons, being of one of those departments, shall exercise any power belonging to either of the others, except in the instances in said constitution expressly directed or permitted;

Whereas, no provision in said constitution, allows any one to be, at the same time, a member of the Judicial and Legislative departments, and consequently, said John Field is either not Judge, or not a member of the House of Representatives;

Whereas, the Supreme Court of the United States, have held that the commission of one officer, dates, and his salary commences from the time of his appointment, and therefore, if said Field should hereafter accept said office of Judge, from the said date of his said election, and will receive his salary as Judge from that time, which cannot constitutionally be done, he having in the meantime acted as a member of this Legislature,

Therefore, be it resolved by the General Assembly of the State of Arkansas, That the two Houses of said General Assembly, will proceed on the day of December, instant, to elect a Judge of said sixth

Judicial Circuit, in place of said John Field, who has in law vacated his office.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following joint resolution:

Whereas, the compensation of the Surveyor General for this State, has been reduced, so that his annual salary is five hundred dollars less than other officers of the same kind, who have a less arduous duty to perform, which we consider unjust on the part of the general government;

Therefore, be it resolved by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representative in Congress be requested to procure, if practicable, such addition to the Surveyor General of this State, as will make it equal to the compensation made to the Surveyor Generals of other States.

"*Resolved further*, That the Governor of this State be requested to transmit a copy of this resolution to each of our Senators, and to our Representative in Congress."

And the concurrence of the House is asked hereto.

Mr. Crutchfield, from the committee to whom was referred the special message of the Governor concerning several sections of land in the county of Conway, as located and claimed by Emzy Wilson and others (which have also been confirmed to the State under the act of Congress donating 72 sections) as a part of the said 72 sections, on leave given,

Reported the same back to the House by bill, entitled "an act for the relief of those persons who have purchased lands from the United States, and have made valuable improvements thereon, the title to which has been confirmed by the United States to the State of Arkansas, as a portion of the Seminary lands."

Which was read a first time.

On motion of Mr. Miller, the bill entitled "an act authorising the sale of merchandize in certain cases, was taken up and read a third time, and passed, and was transmitted to the Senate for their assent.

Message from the Governor, by his private Secretary, R. W. Johnson, signifying his Excellency's approval of "an act to incorporate the town of Fort Smith:" approved Dec. 24th, 1842.

Also "an act to incorporate the town of Van Buren:" approved Dec. 24th, 1842.

Also "an act to alter and amend the Statutes of this State, in relation to estrays:" approved Dec. 24th, 1842.

On motion of Mr. Peeler, the bill entitled "an act for the relief of Mary Ann Dye, administratrix of the estate of William H. Dye, deceased, and of Reuben H. Douglass, executor of the last will and testament of Reuben Dye, deceased," was taken up and read, and

On motion of Mr. Peeler, the rules were dispensed with, 46 to 3, and the bill read a third time, and passed, and was transmitted to the Senate, whence it originated.

The bill entitled an act for the relief of Lemuel R. Lincoln, was taken up, and the amendment from the Senate, paying Williamson S. Oldham for services as special Judge in the Circuit Court of Crawford county, and the Circuit Court of Scott county, was agreed to, and the bill read a third time, and passed, and the Senate informed thereof by message.

The bill of the House entitled "an act to change the times of holding the general elections in this State," was taken up, and the amendment from the Senate was read, and on motion of Mr. Humphrey, the House dissented from the amendment of the Senate, and the Senate informed thereof by message.

On motion of Mr. Steuart of Desha, a committee of three were appointed to wait on Mr. Colby, and if possible, ascertain what are his facilities and means for doing the public printing, and why or what reason the printing of several bills has been delayed: committee consisting of

Messrs. Steuart of Desha, Rust, and Parks.

The bill from the Senate entitled "an act arranging the Senatorial districts, and apportioning the Senators and Representatives to the several counties in the State of Arkansas," was taken up and read a first time; when,

On motion of Mr. Greenwood, the rules of the House were dispensed with, 46 to 4, and the bill read a second time.

Mr. Rust moved to refer the bill to a select committee of five, with instructions to report upon the constitutionality and inexpediency of increasing the ratio of Representatives, thereby reducing the number of members of this House, and curtailing the expenditures of the government.

Mr. Conway called for the ayes and noes, on the question of commitment, and they were ordered, and the question decided in the negative by ayes 18, to noes 31.

The members voting in the affirmative are

Messrs. Armstrong, Bizzell, Brazil, Burke, Conway, Crutchfield, Calvert of St. Francis, Field, Finley, Logan, Mayers, Nott, Peeler, Rieves of Crittenden, Roberts, Rust, Steuart of Desha, and Scott–18.

The members voting in the negative are

Messrs. Arrington, Baines, Byers, Bateman, Campbell, Counts, Cline, Fancher, Flanagan, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Jeffrey, Johnson, Lemoyne, Martin of Franklin, Miller, Milligan, Parks, Reeves of Crawford, Roane, Stewart of Clark, Stout, Tackett, Vaughan, Wiley, and Mr. Speaker—31.

On motion of Mr. Greenwood, the rules were dispensed with, 42 to 8, and the bill read a third time.

The question was then put upon its final passage, and Mr. Peeler called for the ayes and noes, and they were ordered, and the bill passed by ayes 34 to noes 17.

The members voting in the affirmative are

Messrs. Arrington, Baines, Byers, Bateman, Campbell, Crutchfield, Counts, Cline, Fancher, Flanagan, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Lemoyne, Martin of Franklin, Miller, Milligan, Parks, Reeves of Crawford, Roberts, Roane, Stewart of Clark, Stout, Tackett, Vaughan, Wiley, and Mr. Speaker—34.

The members voting in the negative are

Messrs. Armstrong, Bizzell, Brazil, Burke, Conway, Calvert of St. Francis, Field, Gaines of Chicot, Logan, Mayers, Nott, Peeler, Rieves of Crittenden, Rust, Stewart of Desha, and Scott—17.

The bill of the House, declaring Mine creek a navigable stream, was taken up and read a third time, and

On motion of Mr. Field, the bill was amended by striking out the third section, and the bill passed as amended, and was transmitted to the Senate for their assent.

On motion of Mr. Bateman, the House adjourned.

December 27th, 1842.
Tuesday morning, 9 *o'clock*.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

On motion of Mr. Crutchfield, the journals of yesterday were amended, so as to include the report of the committee to whom was referred the petition of William Robinson, John Robinson, and Alexander Robinson, relative to an entry by said Robinsons, of lands confirmed to the State as Seminary lands, making provisions by bill for their relief, as well as for Emzy Wilson and others mentioned in the special message of the Governor, on which the committee also reported.

Petitions from counties were in order.

Mr. Mayers presented a petition from 237 citizens of Crawford county, remonstrating against the division of the counties of Crawford, Franklin, Johnson, and Scott, as proposed in petitions from said counties, before the House, as recorded of yesterday; which was read and referred to a committee, consisting of the delegation from those four counties.

Mr. Mayers presented a petition from M. Moore, justice of the peace of Crawford county, asking to have a law enacted authorising him to transfer his docket and papers to Mr. Edmondson, a justice of the peace of upper township of Crawford county, which was read and referred to a committee, consisting of

Messrs. Mayers, Reeves of Crawford, and Stewart of Desha.

Reports from standing committees were in order.

Mr. Greenwood, from the committee on enrollments, on leave given, *Reported* correctly enrolled "an act for the relief of Lemuel R. Lincoln, and Williamson S. Oldham.

Reports from select committees were in order.

Mr. Steuart of Desha, from the committee who were instructed to call on the public printer, on leave given,

Reported that the committee has had the matter under investigation, but not being able to make a full report, ask leave for further time," which was granted.

Mr. Logan, from the select committee to whom was referred the petitions of sundry citizens of Pope county, praying for a division of said county, and that the part striken off might be attached to the county of Yell, on leave given,

Reported against the petition.

Pursuant to notice, Mr. Mayers of Crawford introduced the following:

Resolved, That the 19th rule of this House be, and the same is hereby so amended, that no motion for adjournment shall be in order, until after 2 o'clock, P. M., which was read and adopted.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed by a resolution from the Senate to inform your honorable body, that the Senate deems it inexpedient (for the reason that no provision has been made in the resolution from the House of Representatives, for publishing the proposition to amend the constitution, and for the further consideration, that the Senate have passed a resolution in relation to an amendment of the same provision of the constitution obviating this objection) to legislate further upon said resolution from the House, and request that you will concur in the amendment proposed by the Senate: I am also instructed to inform your honorable body, that the Senate have passed "an act to extend the powers of the Clerks of the Circuit Courts of this State, and for other purposes, which is herewith transmitted, and the assent of the House asked.

I am also instructed to inform your honorable body, that the Senate insist on their amendment to the bill of the House, changing the time of holding the general elections in this State," which is herewith returned.

I am also instructed to inform your honorable body, that the Senate have rejected the amendment of the House to the bill from the Senate entitled "an act to exempt certain persons from a State or county tax;" which is herewith returned.

The Senate have assented to the bill from the House entitled "an act to authorise John R. H. Scott, and Robert W. Jamison, guardians, &c. to sell a certain tract of land," which is herewith returned.

The Senate have passed "an act to authorise Joseph H. Egner, guardian of James Dewitt Clinton Kelly, to sell a certain property," which is herewith transmitted, and the assent of the House asked.

The Senate have also passed "a memorial to the Congress of the

United States, praying for a mail route from Napoleon to Little Rock, Arkansas."

And "a memorial to Congress praying for some law to be passed, amendatory of the law upon the sixteenth sections," both which memorials are herewith transmitted, and the concurrence of your honorable body is invited thereto.

On motion of Mr. Peeler, the orders of the day were taken up.

Message from the Governor by his private Secretary, A. B. Greenwood, signifying his Excellency's approval to an act to authorise the administrator of Allen McVay, deceased, to convey certain lands: approved the 26th Dec. 1842.

Also a resolution instructing our Senators and Representative in Congress, respecting the claims of American citizens for spoliations by France, prior to 1800: approved 26th Dec. 1842.

The resolution of Mr. Gaines of Chicot, relative to the Judgship of John Field, Esq., as recorded yesterday, was taken up and read, and leave given Mr. Field to reply, which he did with becoming ability; when

Mr. Armstrong moved to lay the resolution on the table until the 4th of July next.

Mr. Stewart of Desha, called for the ayes and noes, and they were ordered, and the question decided in the affirmative, by ayes 34 to noes 17.

The members voting in the affirmative are

Messrs. Arrington, Armstrong, Baines, Bizzell, Brazil, Conway, Crutchfield, Calvert of Saline, Calvert of St. Francis, Cline, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Hardwick, Houston, Johnson, Martin of Franklin, Miller, Peeler, Parks, Reeves of Crawford, Roberts, Roane, Rust, Stewart of Clark, Stout, Scott, Tackett, Thompson, Vaughan, Waters, and Mr. Speaker—34.

The members voting in the negative are

Messrs. Byers, Bateman, Burke, Campbell, Counts, Flanagan, Finley, Gaines of Chicot, Humphrey, Jeffrey, Lemoyne, Logan, Mayers, Milligan, Nott, Rieves of Crittenden, and Steuart of Desha—17.

So the resolution was laid on the table till the 4th July next.

The bill entitled "an act to establish a Finance agent for the State of Arkansas, and for other purposes," was taken up; when

On motion of Mr. Greenwood, the House resolved itself into a committee of the Whole, Mr. Greenwood in the chair.

After some time spent in committee of the whole, the Speaker resumed his seat, and

Mr. Greenwood, chairman,

Reported the bill under progress, and asked leave to set again tomorrow.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have assented to the bill from the House entitled "an act for the relief of George Dack," which is herewith returned.

The bill entitled "an act prescribing the times and places of holding the supreme court, was taken up and read.

On motion of Mr. Rust, the bill was amended by putting Bradley county to the fourth district.

Mr. Baines added the county of Newton to the fifth district.

Mr. Jeffrey added the county of Fulton to the first district.

Mr. Gray called for the ayes and noes on the final passage of the bill, and they were ordered, and the question decided in the affirmative, by ayes 34 to noes 15.

The members voting affirmatively are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Burke, Conway, Counts, Fancher, Flanagan, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Logan, Martin of Franklin, Mayers, Miller, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Stout, Scott, Tackett, Thompson, Vaughan, Waters, and Mr. Speaker—34.

The members voting in the negative are

Messrs. Brazil, Campbell, Crutchfield, Calvert of Saliue, Calvert of St. Francis, Finley, Gaines of Chicot, Johnson, Lemoyne, Martin of Pulaski, Nott, Peeler, Roberts, Rust, and Steuart of Desha—15.

So the bill passed and was transmitted to the Senate for their concurrence.

The resolution of the Senate concerning the salary of the surveyor general of this State, was taken up and read, and adopted, and returned to the Senate by message.

Mr. Crutchfield moved to adjourn, when he was called to order, as no such motion could be entertained till after 2 o'clock.

The bill of the House entitled "an act to change the mode of selecting petit jurors and to provide for their compensation," was now taken up and read.

Mr. Greenwood amended the seventh section in the 3d line, by changing five to three dollars as a jury fee.

Mr. Lemoyne moved to lay the bill on the table indefinitely.

Mr. Gray called for the ayes and noes, and they were ordered, and question decided in the affirmative by ayes 24 to noes 23.

The members voting affirmatively are

Messrs. Armstrong, Brazil, Conway, Campbell, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Gaines of Scott, Hardwick, Johnson, Lemoyne, Martin of Pulaski, Mayers, Miller, Nott, Parks, Rieves of Crittenden, Scott, Thompson, Vaughan, Waters, and Mr. Speaker—24.

The members voting in the negative are

Messrs. Baines, Byers, Bateman, Bizzell, Burke, Cline, Fancher, Flanagan, Gaines of Chicot, Gray, Gage, Greenwood, Humphrey, Houston, Jeffrey, Logan, Martin of Franklin, Milligan, Peeler, Reeves of Crawford, Roberts, Steuart of Desha, Tackett, and Stout—23.

So the bill was laid on the table.

Mr. Cline moved to adjourn, and was called to order.

The bill of the House entitled "an act to prohibit the emigration and settlement of free negroes or mulattoes in the State," was read, and the amendments from the committee on judiciary were concurred in and adopted.

Mr. Conway filled up the blank in the 10th section, by inserting three hundred dollars as the amount of bond to be given for appearance at circuit court.

The question was now put upon its final passage, and the bill passed, and was transmitted to the Senate for their assent.

The bill entitled "an act to repeal the 20th, 21st, and 22d sections of chapter 39 of the Revised Statutes," was taken up and put on its third reading.

Mr. Cline moved to adjourn and was called to order.

Mr. Greenwood moved to lay the bill on the table until 4th July, 1850.

On motion of Mr. Oldham, the House adjourned.

DECEMBER 28th, 1842.
Wednesday morning, 9 o'clock.

The House met pursuant to adjournment.

Chaplain absent.

Petitions from counties were declared in order.

None were offered.

Reports from standing committees were in order.

Mr. Greenwood from the committee on enrollments, on leave given,

Reported, That on the 27th inst. the bill entitled "an act for the relief of Lemuel R. Lincoln and Williamson S. Oldham was presented to his Excellency the Executive for his approval, and signed.

Reports from select committees were in order.

On motion of Mr. Gaines of Scott, leave of absence was granted to Messrs. Mayers and Bateman on account of indisposition.

On motion of Mr. Conway, leave of absence was granted Mr. Field until Friday next.

Mr. Campbell moved to re-consider the vote on the bill changing the mode of selecting petit jourors.

Which motion was lost.

The business on the Speaker's table was now taken up.

Mr. Peeler moved to take up the bill creating a Finance Agent for the State of Arkansas.

Which motion was lost.

The bill to repeal the 20th, 21st, and 22d sections of the 39th chapter of the Revised Statutes, was taken up and read.

Mr. Greenwood moved to lay the bill on the table until the 4th July, 1850.

Mr. Gaines of Scott, called for the ayes and noes, and they were ordered, and the question decided in the negative by noes 31 to ayes 21.

The members voting in the affirmative are

Messrs. Blakemore, Conway, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Cline, Logan, Martin of Franklin, Miller, Milligan, Parks, Rieves of Crittenden, Steuart of Desha, Stout, Tackett, and Mr. Speaker—21.

The members voting negatively are

Messrs. Armstrong, Baines, Byers, Bizzell, Brazil, Burke, Campbell, Counts, Flanagan, Finley, Gaines of Chicot, Gaines of Scott, Gage, Haynes, Humphrey, Hardwick, Jeffrey, Johnson, Lemoyne, Martin of Pulaski, Nott, Peeler, Reeves of Crawford, Roberts, Roane, Rust, Stewart of Clark, Scott, Thompson, Vaughan, and Waters —31.

So the bill was not laid on the table.

Mr. Greenwood would amend by inserting a separate section excepting certain counties in the repeal law and continuing the old law in force as respects them.

Mr. Gaines of Scott, moved to lay the amendment on the table.

Mr. Milligan moved to amend by inserting Lawrence county with those excepted.

Which was lost.

On motion of Mr. Baines, the county of Carroll was stricken out from the amendment.

On motion of Mr. Parks, Yell county was stricken from the amendment.

The amendment as amended was now adopted.

The bill was now put upon its final as amended.

Mr. Gage called for the ayes and noes, and they were ordered, and the question decided in the affiirmative, by ayes 28 to noes 24.

The members voting in the affirmative are

Messrs. Brazil, Blakemore, Conway, Crutchfield, Cocke, Calvert of St. Francis, Fancher, Gaines of Chicot, Gray, Gage, Johnson, Logan, Martin of Pulaski, Martin of Franklin, Miller, Milligan, Peeler, Parks, Reeves of Crawford, Stout, Steuart of Desha, Tackett, Vaughan, and Waters—24.

The members voting in the affirmative are

Messrs. Arrington, Armstrong, Baines, Bizzell, Burke, Campbell, Galvert of Saline, Counts, Cline, Flanagan, Finley, Gaines of Scott, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Lemoyne, Nott, Rieves of Crittenden, Roberts, Roane, Rust, Stewart of Clark, Scott, Thompson, and Mr. Speaker—28.

The bill of the House to repeal the latter clause of the 14th section of the 128th chapter of the Revised Statutes, was taken up and read a third time.

Mr. Rust moved to amend the last section so that the law shall take effect after the 1st day of January, 1845; which was lost.

Mr. Oldham moved that the bill be committed to the committee on the judiciary, with instructions to inquire into and devise some measure by which the true value of property shall be ascertained, and report by bill as soon as practicable.

Which motion was carried.

The amendment of the House to the Senate's bill entitled "an act to exempt certain persons from paying state or county tax, was now taken into consideration; and

On motion of Mr. Rust, adhered to by the House, and a committee of conference appointed by the House, consisting of

Messrs. Logan, Rust and Gray, and the Senate informed thereof by message.

The amendment of the Senate to the bill of the House entitled "an act changing the time of holding the general elections, was now taken under consideration, and on motion of Mr. Gaines of Scott, the House insisted on disagreeing to the said amendment.

On motion of Mr. Roberts, a committee of conference on the part of the House was appointed, consisting of

Messrs. Roberts, Cline, and Hardwick, and the Senate informed thereof by message.

The bill from the Senate entitled "an act to extend the powers of the clerks of the Circuit Courts of this State, and for other purposes," was taken up and read; when

On motion of Mr. Campbell, the rules were dispensed with, 39 to 10, and the bill read a second and third time and passed, and returned to the Senate.

The bill from the Senate entitled "an act to authorize Joseph H. Egner, guardian of James Dewitt Clinton Kelly, to sell certain property," was taken up and read a first time.

Mr. Rust gave notice that, on to-morrow, he would offer the following resolution:

Resolved, That hereafter no business on the Speaker's table shall be taken up out of its regular order, without a vote of three fourths of the members present being in favor of the same.

A memorial from the Senate to the Congress of the United States in relation to an act authorizing the county courts of the several counties to float the unvaluable sixteenth sections or school lands, was taken up and read.

On motion of Mr. Counts, the rules were dispensed with, 42 to 12, and the memorial read a second time, and referred to a committee consisting of

Messrs. Counts, Roberts, Baines and Brazil.

Mr. Gaines of Scott, gave notice that he would, on to-morrow, move to amend the rules of the House, so as to prevent smoking in the House within or without the bar of the House.

Mr. Roane of Jefferson, gave notice that he would, on to-morrow, introduce a resolution to amend the 19th rule of this House.

The Senate memorial to Congress, praying for a mail route from

Napoleon, mouth of Arkansas, to Little Rock, was taken up and read.

On motion of Mr. Steuart of Desha, the rules were dispensed with, 41 to 10, and the memorial read a second time, and was referred to a committee consisting of

Messrs. Steuart of Desha, Finley, and Roane.

The bill of the Senate entitled "an act relating to the inspection of tobacco," was taken up and read.

On motion of Mr. Hardwick, the rules were dispensed with 41 to 10, and the bill read a second time, and was referred to a committee of five, consisting of

Messrs. Hardwick, Humphrey, Rieves of Crittenden, Fancher, and Blakemore.

The resolution from the Senate proposing the amendment to the 15th section of the 6th article of the Constitution, was taken up and read a first time.

The bill from the Senate authorizing the sheriff of Washington county, to collect certain taxes," was taken up and read a third time, and,

On motion of Mr. Humphrey, the bill was referred to a committee consisting of

Messrs. Stout, Conway, Blakemore, Vaughan, and Reeves of Crawford.

The bill of the House entitled "an act for the relief of settlers upon salt spring sections," was taken up and read a third time, and

On motion of Mr. Conway, was referred to the committee on the judiciary.

On motion of Mr. Humphrey, the House adjourned.

DECEMBER 29th, 1842.
Thursday morning, 9 *o'clock.*

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

Resolutions from counties were declared in order.

Mr. Gray of Madison, presented a petition from sundry citizens of Washington county, praying that a portion of Washington county be cut off and attached to Madison county, which was referred to a committee of three, consisting of

Messrs. Gage, Peeler, and Blakemore.

Mr. Logan of Pope, presented a petition from Samuel H. Hayes, asking that he be authorized to collect the uncollected taxes in the county of Yell, which was stricken from the county of Pope.

Which was read and referred to a committee consisting of

Messrs. Logan, Tackett, and Parks.

Reports from standing committees were in order.

Mr. Greenwood, from the committee on enrollments, on leave,

Reported correctly enrolled "an act authorizing John R. H. Scott, and Robert W. Jamison, guardians of the minor heirs of George Jamison, to sell a certain tract of land," also,

"An act for the relief of George Dack."

Reports from select committees were in order.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that that the Senate have assented to the bill from the House entitled "an act for the benefit of such persons as have settled or made improvements on the public lands in this State; and also, for such persons as may hereafter settle on, or improve any of said lands." And the Senate have added to said bill certain amendments which are appended to, and now returned with said bill.

The Senate have also passed "an act for the relief of Jesse Douglass," which is herewith transmitted, and the assent of the House is asked thereto.

The Senate have assented to the bill from the House entitled "an act to survey and mark out the Northern boundary line of this State, with a small amendment, which is herewith returned.

Mr. Steuart of Desha, on leave given,

Reported as follows:

The committee to whom was referred the resolutions concerning Eli Colby, Printer of the House, have had the same under consideration and beg leave to report that they have called upon Mr. Colby, and learned from him that the delay in the printing of the bills of the House was owing to causes which are not likely to occur again, and that there is very little doubt but that the bills of the House hereafter will be printed with as much dispatch as its business will necessarily demand.

Mr. Roane moved to reject the report of the committee.

Which was lost.

Mr. Logan, from the committee to whom was referred the petition of Samuel H. Hayes asking for a law making appropriations for certain moneys to be refunded to him for sundry moneys and sundry services by him expended and performed, while acting as sheriff in the year, 1836, on leave given,

Reported, That the committee deem the granting of his request inexpedient.

Mr. Martin of Pulaski, from the select committee to whom was referred the bill entitled "an act the better to define the line between the counties of Pulaski and White, on leave given,

Reported that the provisions of the bill were impolitic at the present time, as the probability is that at no distant day the county of Pulaski will be divided, making a new county on the north and east of the county of Pulaski.

Message from the Governor by his private Secretary, Mr. A. B. Greenwood:

Signifying the approval of the Executive to the bill entitled "an act for the relief of Lemuel R. Lincoln and Williamson S. Oldham," approved 28th December, 1842.

On motion of Mr. Parks, the business on the Speaker's table was taken up.

The bill concerning the recording of titles to real estate," was taken up and read a third time.

Mr. Conway would amend by striking out 60 days, as the time allowed after execution for recording deeds; which was carried.

Mr. Steuart of Desha, moved to insert six months; which was lost.

Mr. Logan moved to insert 90 days; which motion was carried; when the bill passed, and was transmitted to the Senate for their assent.

On motion of Mr. Gray, the two committees of conference appointed on yesterday, were granted leave to confer during the session of the House.

The bill entitled "an act to prevent setting fire to the woods and prairies, during certain periods of each year," was taken up and read a third time; when,

On motion of Mr. Martin of Pulaski, the bill was laid on the table until the 4th July next.

The bill entitled "an act requiring certain lands to be listed with the assessor of the proper county for taxation," was taken up and read a third time, and passed, and was transmitted to the Senate for their assent.

The bill entitled "an act to alter and amend the 86th chapter of the Revised Statutes of this State, under the head of Justices of the peace," was taken up and read a third time.

Mr. Flanagan amended by adding a separate section, authorising the Clerks of Circuit Courts, who may now have any dockets of Justices in their hands, to hand them over to other Justices of the peace, as is prescribed in the first section, and take his receipt for the same.

Mr. Greenwood proposed to fill the blanks in the third section, relative to the penalty of failing to comply with the provisions of this act, "not less than ten nor more than one hundred dollars;" which was adopted.

The bill now passed and was transmitted to the Senate for their assent.

On motion of Mr. Martin of Pulaski, leave of absence was granted Mr. Counts for one week.

The bill entitled "an act to repeal the 11th section of the 94th chapter of the Revised Code," was taken up and read a third time.

Mr. Scott of Sevier, moved to lay the bill on the table indefinitely.

Mr. Miller called for the ayes and noes, and they were ordered, and the question negatived by ayes 13 to noes 38.

The members voting in the affirmative are

Messrs. Burke, Conway, Calvert of St. Francis, Gaines of Scott, Humphrey, Houston, Nott, Peeler, Rieves of Crittenden, Roberts, Rust, Stewart of Clark, and Scott—13.

The members voting in the negative are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Collins, Campbell, Cocke, Crutchfield, Calvert of Saline, Cline, Fancher, Flanagan, Gray, Gage, Greenwood, Haynes, Hardwick, Jeffrey, Johnson, Logan, Martin of Pulaski, Miller, Milligan, McClain, Parks, Reeves of Crawford, Roane, Steuart of Desha, Stout, Tackett, Thompson, Vaughan, and Waters—38.

The question was now put upon the final passage of the bill, and it was passed, and transmitted to the Senate for their assent.

The bill entitled "an act to extend the law on the subject of writs of error, in the 117th chapter of the Revised Code," was taken up and read a third time, and passed, and was transmitted to the Senate for their assent thereto.

The bill entitled "an act to call in the scrip of Clark county."

The bill entitled "an act to call in the scrip of Conway county," was taken up and read a third time, and passed, and was transmitted to the Senate for their assent.

The bill entitled "an act to call in the scrip of Pope county," was taken up and read a third time, and

On motion of Mr. Logan of Pope, was referred to a committee of three, consisting of

Messrs. Logan, Gaines of Scott, and Parks.

The bill entitled "an act to authorise the county court of Scott county, to order the records of the courts of said county to be removed from Boonville, to Winfield, and for other purposes," was taken up and read a third time, and passed, and was transmitted to the Senate for their assent.

The bill entitled "an act regulating proceedings on writs of certiorari and supersedeas," was taken up and read.

On motion of Mr. Byers, was referred to the committee on the judiciary.

The bill entitled "an act to amend the law of administrations," was taken up and read, and

On motion of Mr. Arrington, was referred to the committee on the judiciary.

The bill entitled "an act for the benefit of such persons as have settled on or have made improvements on the public lands in this State, and also for such persons as may hereafter settle on or improve any of said lands," was returned from the Senate with several amendments, which were read, and

On motion of Mr. Collins, the action of the House was taken separately on the amendments.

Mr. Byers called for the ayes and noes on each amendment, and they were ordered.

The question on the first amendment "to insert two dollars" as the price of lands per acre.

The members voting affirmatively are

Messrs. Armstrong, Bizzell, Brazil, Blakemore, Collins, Conway, Crutchfield, Calvert of St. Francis, Fancher, Flanagan, Finley, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Logan, Martin of Franklin, Miller, Milligan, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Stewart of Clark, Stout, Scott, Tackett, Thompson, Vaughan, Waters, and Mr. Speaker—38.

The members voting in the negative are

Messrs. Arrington, Baines, Byers, Bateman, Burke, Campbell, Cocke, Cline, Johnson, Lemoyne, Martin of Pulaski, McClain, Roberts, Roane, Rust, Steuart of Desha—16.

So the amendment was agreed to.

The question was now put on the second amendment, inserting in place of five years "ten years," in which time the payments should be completed by annual instalments.

The members voting in the affirmative are

Messrs. Armstrong, Baines, Bizzell, Brazil, Blakemore, Conway, Campbell, Crutchfield, Calvert of St. Francis, Cline, Fancher, Finley, Gaines of Scott, Gray, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Logan, Martin of Pulaski, Martin of Franklin, Milligan, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Rust, Steuart of Desha, Scott, Tackett, Thompson, and Waters—38.

The members voting in the negative are.

Messrs. Arrington, Byers, Bateman, Burke, Collins, Cocke, Flanagan, Gage, Lemoyne, Miller, McClain, Stewart of Clark, Stout, Vaughan, and Mr. Speaker—15. So the amendment was agreed to.

The question was now put on the third amendment from the Senate: "That the provisions of this act extend to those persons who are now, or may hereafter become actual settlers on any part of the lands located as a portion of the donation of 500,000 acres, provided that the said settlers shall in every case be restricted by legal subdivisions."

The members voting in the affirmative are

Messrs. Arrington, Armstrong, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Conway, Campbell, Crutchfield, Calvert of St. Francis, Cline, Fancher, Finley, Gaines of Scott, Gray, Gage, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Logan, Martin of Pulaski, Milligan, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Rust, Steuart of Desha, Stout, Scott, Tackett, Thompson, Vaughan, and Waters—42.

The members voting in the negative are

Messrs. Byers, Collins, Cocke, Flanagan, Greenwood, Lemoyne, Miller, Martin of Franklin, Stewart of Clark, and Mr. Speaker—10.

So the amendment was adopted.

The question was now put on the fourth amendment: "That if any such settlers shall neglect or refuse to pay the annual instalment for the term of three years, shall be sued on their obligations, and in case they shall fail to pay the instalments so sued on, with interest due thereon, they shall forfeit to the State of Arkansas all right and title to the said lands thus located by them."

The members voting in the affirmative are

Messrs. Armstrong, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Conway, Campbell, Crutchfield, Calvert of Saline, Calvert of St. Francis, Cline, Fancher, Flanagan, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey Johnson, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Rust, Steuart of Desha, Stewart of Clark, Stout, Scott, Tackett, Thompson, Vaughan, Waters, and Mr. Speaker—48.

The members voting in the negative are

Messrs. Arrington, Byers, Collins, Cocke—4.

So the amendment was agreed to, and the amendment as amended passed, and the Senate informed thereof by message.

The bill of the Senate entitled "an act for the relief of Jesse Douglass," was taken up and read a first time.

On motion of Mr. Conway, the rules were dispensed with, 42 to 9, and the bill read a second and third time, and passed, and was returned to the Senate.

The bill entitled "an act to repeal an act entitled 'an act to encourage the killing of wolves in this State,' " was taken up and read a second time.

Mr. Humphrey moved to lay the bill on the table till the fourth July mext.

Mr. Hardwick called for the ayes and noes, and they were ordered, and the question decided by ayes 38 to noes 13.

The members voting in the affirmative are

Messrs. Arrington, Armstrong, Bizzell, Blakemore, Burke, Collins, Conway, Crutchfield, Cocke, Calvert of St. Francis, Cline, Flanagan, Gray, Haynes, Humphrey, Houston, Jeffrey, Johnson, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Miller, Milligan, McClain, Nott, Parks, Reeves of Crawford, Rieves of Crittenden, Rust, Stewart of Clark, Steuart of Desha, Stout, Scott, Tackett, Thompson, Waters, and Mr. Speaker—38.

The members voting in the negative are

Messrs. Baines, Byers, Bateman, Brazil, Campbell, Calvert of Saline, Fancher, Gaines of Scott, Gage, Greenwood, Hardwick, Roberts, and Vaughan—13. So the bill was laid on the table.

The bill of the House entitled "an act to lay off and establish a State road from Little Rock to intersect the Jefferson city State road at the Missouri line, was taken up and read a second time.

Mr. Cline amended by striking out after the enacting clause and inserting "that no appropriation shall be made for any purpose of internal improvement until a general and permanent system of internal improvement shall have been established.

On motion of Mr. Roberts, the bill as amended, was referred to the committee on internal improvements.

The bill entitled "an act to ficilitate the collection of debts," was taken up and read a second time.

Mr. Rust moved to refer the bill to the committee on the judiciary.

Which motion was lost.

On motion of Mr. Logan, the rules were dispensed with, 38 to 10, and the bill read a third time.

Mr. Roberts called for the ayes and noes on the passage of the bill, and they were ordered, and the question was decided in the affirmative by ayes 40 to noes 11.

The members voting for the bill are

Messrs. Arrington, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Campbell, Calvert of Saline, Calvert of St. Francis, Cline, Fancher, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Logan, Martin of Pulaski, Martin of Franklin, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Stewart of Clark, Steuart of Desha, Stout, Scott, Tackett, Thompson, Vaughan, and Mr. Speaker—40.

The members voting in the negative are

Messrs. Armstrong, Byers, Collins, Conway, Crutchfield, Cocke, Flanagan, Gaines of Scott, Lemoyne, Rust, and Waters—11.

On motion of Mr. Milligan, the House adjourned.

December 30th, 1842.
Friday morning, 9 *o'clock*.

The House met pursuant to adjournment.

Chaplain absent.

On motion of Mr. Humphrey, leave of absence was granted to Mr. Gage.

On motion of Mr. Flanagan, leave of absence was granted to Mr. Stewart of Clark.

On motion of Mr. Lemoyne, leave of absence was granted Mr. Haynes, until Thursday next.

On motion of Mr. Gaines of Scott, leave of absence was granted Mr. Baines.

Petitions from counties were declared in order.

Mr. Calvert of Saline, presented a petition from sundry citizens of of Hot Spring, Clark, and Saline counties praying that Alfred E. Ashbrooks, be allowed to peddle in the State without license.

Which was read and referred to a select committee consisting of Messrs. Calvert of Saline, Roane, and Collins.

On motion of Mr. Gaines of Scott, leave of absence was granted Mr. Peeler for one day.

Mr. Lemoyne presented a petition from Mr. Jonathan Harden, guardian of the minor heirs of Daniel Greathouse, deceased, praying for a law to authorize him to sell certain parcel, or tracts of land for the benefit of said minors,

Which was read and referred to a committee consisting of Messrs. Lemoyne, Logan, and Thompson.

Mr. Mayers presented a petition from sundry citizens of Crawford, Franklin, Johnson, and Scott counties, praying that these counties be so divided as to make two counties on the north side of the Arkansas river.

Which was read and referred to a committee consisting of the delegation from these four counties.

Reports from standing committees were in order.

None were offered.

Reports from select committees were in order.

Mr. Logan, from the committee on conference, on the part of the House, on the amendment of the bill exempting certain persons from paying taxes, on leave given,

Reported that the committee recommend to the House, to recede from so much of the amendment as relates to unmarried women, which was concurred in by the House, and the Senate informed thereof by message.

Mr. Hardwick, from the select committee to whom was referred the bill of the Senate concerning the inspection of tobacco, on leave,

Reported the bill back to the House with amendments, to wit: amend in the 2d section, 6 line, by striking "fifty cents," and inserting "twenty-five cents," and also in the 5th section, in the 13th line, strike out "one dollar and fifty cents," and insert "one dollar;" which amendments were agreed to by the House.

Motions and resolutions were declared in order.

Mr. Conway gave notice that he would, on to-morrow, introduce a resolution to add another rule to the rules of the House.

Mr. Greenwood gave notice that, on to-morrow, he would, on leave given, introduced a bill entitled "an act for the relief Gideon G. Pace, late sherriff of the county of Benton."

Mr. McClain gave notice, that some time during the session of this General Assembly, he would introduce a bill to remove the seat of government from Little Rock to Clarksville, in the county of Johnson.

Mr. Field of Hempstead, gave notice that, on Wednesday next, he would introduce a bill declaring the charter of the Real Estate Bank of the State of Arkansas forfeited; to place the same in liquidation, and to appoint suitable commissioners to take the assets of that institution into possession, and to collect, account for, and disburse the same; to modify the law concerning writs of *ne-exeat*, and for other purposes.

Mr. Rieves of Crittenden, gave notice that, with leave, on to-morrow, he would introduce a bill entitled "an act to authorise non-residents of this State, and others owning lands and town lots, in counties in which they shall not reside, to pay taxes upon such lands, and town lots, directly into the State Treasury, should they prefer so doing."

Mr. Rust gave notice that, on leave, he would, on Monday next, introduce a bill more particularly defining the line between the counties of Union and Lafayette, and between the counties of Ouachita and Lafayette.

Mr. Arrington offered the following resolution:

Resolved, That a committee be appointed, consisting of one member from each judicial circuit in this State, whose duty it shall be to enquire into the expediency of changing the time of holding the courts in the different counties, and to report by bill or otherwise."

Which was adopted.

The following committee was appointed by the Speaker:

Messrs. Arrington, Byers, Cocke, Roane, Hanly, Conway, McClain.

On motion of Mr. Mayers, the orders of the day were taken up.

The bill of the House to mark out and survey the boundary line between Missouri and Arkansas, was taken up, and the amendment from the Senate was read, changing from five to eight, being the per diem pay of the commissioners.

Mr. Mayers moved to disagree with the Senate's amendment.

Mr. Martin of Pulaski, called for the ayes and noes, and they were ordered, and the House dissented by ayes 42 to noes 10.

The members voting in the affirmative are

Messrs. Arrington, Byers, Bateman, Bizzell, Brazil, Blakemore, Burke, Conway, Campbell, Calvert of Saline, Calvert of St. Francis, Cline, Field, Fancher, Flanagan, Gaines of Scott, Gray, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Mayers, McClain, Parks, Reeves of Crawford, Rieves of Crittenden, Steuart of Desha, Stout, Scott, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—42.

The members voting in the negative are

Messrs. Armstrong, Collins, Crutchfield, Cocke, Finley, Gibson, Gaines of Chicot, Nott, Roane, and Rust—10.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act amendatory of the acts in force concerning the practice and decisions of the supreme court, with certain amendments thereto appended, and the act is herewith transmitted, and the assent of the House is asked."

The Senate have rejected the bill of the House entitled "an act to repeal the 20th, 21st, and 22d sections, of the 39th chapter of the Revised Statutes."

The bill entitled "an act concerning runaway slaves," was taken up and read a second time.

On motion of Mr. Crutchfield, was referred to the committee on the judiciary.

The bill entitled "an act to repeal the 130th chapter of the Revised Statutes of Arkansas," was taken up and read a second time.

On motion of Mr. Conway, was referred to the committee on the judiciary.

The bill entitled "an act concerning forfeited lands," was taken up and read a second time.

On motion of Mr. Rieves of Crittenden, was referred to select committee, consisting of

Messrs. Rieves of Crittenden, Calvert of St. Francis, and Roane.

The bill to amend the 1st section of the 152d chapter of the Revised Statutes, was taken up and read a second time.

The bill entitled "an act to remove obstructions in the Little Red river," was taken up and read a second time.

On motion of Mr. Greenwood, was laid on the table till the first of April next.

The bill entitled "an act to alter and amend the Statutes of this State in relation to roads and highways," was taken up and read a second time.

On motion of Mr. Greenwood, the rules of the House were dispensed with, 38 to 12, and the bill was read a third time, and passed, and was transmitted to the Senate for their assent thereto.

The bill entitled "an act to incorporate the Bethesda Academy," was taken up and read a second time.

On motion of Mr. McClain, the rules were dispensed with, 41 to 9, and the bill read a third time, and passed, and was transmitted to the Senate for their assent.

The bill of the Senate entitled "an act to repeal the 2d and 3d sections of the 155th chapter of the Revised Code, under the head of venue," was taken up and read a second time.

On motion of Mr. Roane, was referred to the committee on the judiciary.

The bill of the House entitled "an act to exempt the citizens of the corporation of the town of Fayetteville, from working upon roads and highways," was taken up and read a second time.

On motion of Mr. Cline, the bill was referred to a committee of three, consisting of

Messrs. Rieves of Crittenden, Cline, and Field.

The bill entitled "an act to repeal the 80th chapter of the Revised Statutes," was taken up and read a second time.

Mr. Lemoyne moved to lay the bill on the table.

Mr. McClain called for the ayes and noes, and they were ordered, and the question decided in the affirmative by ayes 29 to noes 26.

The members voting in the affirmative are

Messrs. Byers, Campbell, Cocke, Calvert of Saline, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Hardwick, Jeffrey, Johnson, Lemoyne, Logan, Marks, Martin of Franklin, McClain, Parks, Roberts, Roane, Rust, Steuart of Desha, Scott, Tackett, Thompson, and Vaughan—29.

The members voting in the negative are

Messrs. Arrington, Armstrong, Bateman, Bizzell, Brazil, Blakemore, Burke, Collins, Conway, Crutchfield, Calvert of St. Francis, Cline, Greenwood, Humphrey, Houston, Martin of Pulaski, Mayers, Miller, Milligan, Nott, Reeves of Crawford, Rieves of Crittenden, Stout, Waters, Wiley, and Mr. Speaker—26.

The bill entitled "an act to repeal the 123d section of the 87th chapter of the Revised Statutes of the State of Arkansas, and for other purposes," was taken up and read; when

Mr. McClain would amend by inserting in the second section, two years instead of one, that the execution might be stayed.

Which was lost; when

On motion of Mr. Gaines of Scott, the bill was referred to a select committee to whom was referred the bill entitled "an act to extend the time of return on executions.

Mr. Cocke, Chairman.

The bill entitled "an act to change the mode of assessing taxes in this State," was taken up and read a second time; when

On motion of Mr. Logan, the bill was referred to a committee of three, consisting of

Messrs. Logan, Miller, and Gibson.

The bill entitled "an act to facilitate the recovery of personal property in certain cases," was taken up and read a second time.

On motion of Mr. Greenwood, the bill was referred to the standing committee on the judiciary.

The bill of the House entitled "an act to distribute the proceeds of the 72 sections of land," was taken up and read a second time.

Mr. Mayers moved to refer the bill to the committee on education.

Mr. Wiley called for the ayes and noes, and they were ordered, and the question decided in the negative by ayes 21 to noes 34.

The members voting in the affirmative are

Messrs. Byers, Brazil, Blakemore, Burke, Conway, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Hardwick, Lemoyne, Marks, Mayers, Rust, and Thompson—21.

The members voting in the negative are

Messrs. Arrington, Armstrong, Bateman, Bizzell, Collins, Campbell, Cline, Fancher, Gray, Greenwood, Humphrey, Houston, Jeffrey, Johnson, Logan, Martin of Pulaski, Martin of Franklin, Miller, Milligan, McClain, Nott, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Stewart of Desha, Stout, Scott, Tackett, Vaughan, Waters, Wiley, and Mr. Speaker—34.

So the motion was lost.

On motion of Mr. Roberts, the bill was committed to the whole House, and made the order of the day for Friday next.

Mr. Arrington moved to print 100 copies of the bill.

Which motion was lost.

Mr. Collins moved to take a recess until 2 o'clock; which motion was lost.

The bill entitled "an act to repeal a part of an act to extend the powers of the Mayor and Aldermen of the city of Little Rock;" approved Dec. 24th, 1840.

Was taken up and read a second time.

On motion of Mr. Crutchfield, the bill was referred to a committee, consisting of the Pulaski delegation.

The bill entitled "an act for the relief of widows," was taken up and read a second time.

On motion of Mr. Gaines of Scott, was laid on the table indefinitely.

The bill entitled "an act to prevent fire hunting," was taken up and read a second time.

Mr. Scott moved to dispense with the rules, that it might be read a third time.

Which motion was lost.

Mr. Steuart of Desha, moved to lay the bill on the table.

Which was carried.

Messrs. Roberts and Field, moved to reconsider the vote.

Which motion was lost.

The bill entitled "an act to amend the 173d section of the 87th chapter of the Revised Statutes," was taken up and read a second time.

On motion of Mr. Martin of Pulaski, was referred to the committee on the judiciary.

The bill of the House entitled "an act concerning delivery bonds," was taken up and read a second time.

On motion of Mr. Conway, the rules were dispensed with, 42 to 8, and the bill read a third time and passed, and was transmitted to the Senate for their assent.

The bill entitled "an act to amend the 82d section of the 45th chapter of the Revised Statutes," was taken up and read a second time.

The bill entitled "an act reducing the number of grand jurors," was taken up and read a second time.

Mr. McClain would amend by inserting 15 in the place of 13 grand jurors; which was lost.

On motion of Mr. Hardwick, the bill was referred to a select committee of three, consisting of

Messrs. Hardwick, Wiley, and Vaughan.

Memorial to the Congress of the United States concerning the 16 sections or school lands," was taken up and read a second time.

On motion of Mr. Field, the rules were dispensed with, 41 to 8, and the memorial read a third time, and passed, and was transmitted to the Senate for their assent.

The bill of the House entitled "an act to amend the 202d section of the 45th chapter of the Revised Statutes, title, Criminal Proceedings," was taken up and read a second time.

On motion of Mr. Bizzell, the bill was laid on the table till the 4th July next.

The bill for the relief of John O. Young, sheriff of Van Buren county, was taken up and read a second time.

On motion of Mr. Tackett, the bill was referred to a committee of three, consisting of

Messrs. Tackett, Collins, and Counts.

The bill entitled "an act to allow compensation to jurors, before Justices of the peace," was taken up and read a second time; and

On motion of Mr. Greenwood, was laid on the table till the first of April.

The bill entitled "an act to appoint inspectors of tobacco," was taken up and read a second time; and

On motion of Mr. Blakemore, was laid on the table.

Mr. Collins gave notice, that to-morrow, he would introduce a resolution to rescind the resolution of Monday last, concerning the hour of adjournment.

The bill entitled "an act for the relief of the estate of Hugh C. Hinton, deceased," was taken up and read a second time, when

On motion of Mr. Byers, the rules were dispensed with, 46 to 5, and the bill read a third time, and passed, and was transmitted to the Senate for their assent.

On motion of Mr. Collins, the House adjourned.

DECEMBER 31st, 1842.
Saturday morning, 9 *o'clock*.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

Petitions from counties were in order.

Mr. Calvert of St. Francis, presented a petition from James W. Halbert, praying for "an act to pay him for services as sheriff of St. Francis county, in apprehending and bringing to justice, one William Allen, accused of the murder of William S. Mosley," which was read and referred to the committee on claims.

Mr. Gibson presented a petition from Mrs. Lavina Huddleston praying for a lease of the South West quarter of Section No. 16, in township No. 4, N. of Range No. 17 West for the period of ninety-nine years; which was read, and referred to a committee consisting of

Messrs. Gibson, Cline, and Lemoyne.

Mr. Armstrong of Sevier, presented a petition from sundry citizens of Sevier county praying for a law declaring Saline river a navigable stream, from the mouth of Holly Creek to its junction with Red river; which was read, and referred to a committee consisting of Messrs. Armstrong, Field, and Calvert of Saline.

Reports from standing committees were declared in order.

Mr. Greenwood from the committee on enrollments, on leave given,

Reported correctly enrolled "an act for the benefit of such persons as have settled on or have made improvements on the public lands in this State; and also, for such persons as may hereafter settle on or improve any of said lands.

Mr. Scott, from the standing committee on counties and county lines, on leave given,

Reported on the petition from several citizens of Pulaski and Monroe counties, praying for the establishment of a new county: that the granting of said prayer is inexpedient at the present time.

Mr. Roberts from the committee to whom was referred the memorial to Congress concerning the sixteenth sections, on leave given,

Reported, That the same matter being now under consideration in more approved form, they would recommend that the same remain *in quietu* during the session.

Mr. Armstrong from the committee to whom was referred the bill entitled "an act to establish the county of DeKalb, on leave given,"

Reported the enacting of such a law would be at the present time unconstitutional, there not being the requisite population in the part of Sevier county so proposed to be stricken off to form constitutionally a new county.

Mr. Martin of Pulaski, from the committee to whom was referred the bill entitled "an act to repeal a part of an act to extend the powers of the mayor and aldermen of the city of Little Rock, approved December 21st 1840," on leave given,

Reported the bill back to the House with an amendment making three separate sections, which was read; and

On motion of Mr. Martin of Pulaski, was laid on the table indefinitely.

Mr. Cline from the committee of conference on the bill entitled "an act to change the times of holding the general elections in this State, on leave given,

Reported, That the committee, *four* to *two*, recommend that the Senate recede from their amendment.

On motion of Mr. Hardwick, the report of the committee of conference was adopted.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have assented to the bill from the House entitled "an act for the relief of Henry A. Engles, late sheriff of Independence county," and have added thereto such amendments which are thereunto appended, and with said bill hereby returned, and the assent of the House is asked.

Mr. Flanagan from the committee to whom was referred the bill entitled "an act to authorize the auditor to draw warrants on the treasurer in certain cases," on leave,

Reported the same back to the House, with an amendment, which was adopted, and read a second time.

Message from his Excellency the Governor, by his private Secretary, R. W. Johnson, which was read and is as follows:

EXECUTIVE DEPARTMENT,
Little Rock, 31*st December*, 1842.

Mr. Speaker, and Gentlemen of the House of Representatives:

The deep interest and solicitude felt by the whole people of the West for the removal of the obstructions in the Mississippi river, and its tributaries, will be my apology for bringing that subject to your consideration in a special message.

The general and national importance of the free and safe navigation of the Mississippi river is unanimously admitted. The increasing trade of the Mississippi and its tributaries, the safety and dispatch of the transportation of troops and munitions in time of war will warrant the national government in making large and liberal appropriations to remove these obstructions. The vast increase of the products of the valley of the Mississippi, consisting of cotton, corn, tobacco, flour, coal, naval stores, breadstuffs of every description, iron, lumber, and a thousand other articles which find a ready market in the South, is of itself sufficient to warrant a liberal appropriation by the national legislature. The risk of transportation of our products to market is equal to a duty of 20 per cent., the risk of steam boats, the destruction of flat boats, and other crafts, for the last few years, calls loudly for the interposition of the General Government.

In the whole habitable globe there is no country of equal dimensions, that offers so many advantages to its inhabitants, and presents more resources of wealth, independence and happiness than the West, and while millions are lavished upon the sea coast for fortifications, harbors and lighthouses, we are left without a dollar, to struggle and contend against all the obstructions which nature and circumstances have thrown in our way, the subject is of that importance and magnitude that I need not further press it upon so enlightened a legislature.

A. YELL.

On motion of Mr. Rieves of Crittenden, the message was referred to the standing committee on internal improvements.

Mr. Stout, from the committee to whom was referred the bill entitled "an act to authorize the sheriff of Washington county to collect certain taxes," on leave given,

Reported the same back to the House, with an amendment forming a separate section, which was adopted, and read a second time; and

On motion of Mr. Stout, the rules were dispensed with, 36 to 10, and the bill read a third time and passed.

Mr. Logan from the committee to whom was referred the bill entitled "an act to call in the scrip of Pope county," on leave given,

Reported the same back to the House, without amendment; when

On motion of Mr. Logan, the rules were dispensed with, 42 to 7, and the bill read a third time and passed, and was transmitted to the Senate.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body that the Senate have passed "an act more fully to define the line between the counties of Carroll and Madison;" also,

"An act amendatory of the 62d chapter of the Revised Statutes of the State of Arkansas," which are herewith transmitted, and the assent of the House is asked.

Mr. Lemoyne, from the committee to whom was referred the petition of Jonathan Hardin, on leave given,

Reported by bill to authorise the sale of certain lands, which was read, and

On motion of Mr. Thompson, the rules of the House were dispensed with, 47 to 6, and the bill read a second and third time, and passed, and was transmitted to the Senate for their assent.

Mr. Logan, from the committee to whom was referred the petition of Samuel M. Hays, on leave given,

Reported by bill entitled "an act to authorise Samuel M. Hays to collect certain taxes."

Which was read a first time.

Mr. Steuart of Desha, from the committee to whom was referred the petition of John Malpass, on leave given,

Reported by bill entitled "an act for the relief of John Malpass," which was read a first time, and

On motion of Mr. Peeler, the rules were dispensed with, 42 to 10, and the bill read a second and third time, and passed, and was transmitted to the Senate.

Mr. Gibson was called to the Chair.

Mr. Cline moved that a committee of three, raised by resolution, to examine and investigate certain matters relative to the Fayetteville Branch Bank, be now appointed.

On motion of Mr. Flanagan, the rules were dispensed with, 42 to 7, and the committee appointed by the chairman, consisting of

Messrs. Cline, Flanagan, and Greenwood.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have rejected the report of the committee of conference, to whom was referred a bill to be entitled "an act to change the time of holding the general elections in this State," and the Senate insist on their amendment, and the bill is herewith returned.

When Mr. Calvert of Saline, moved that the House recede from their disagreement to the Senate's amendment.

Which motion was lost.

Message from the Governor by his private Secretary, Mr. A. B. Greenwood, signifying his approval of "an act for the benefit of those persons as have settled on or have made improvements on the public lands in this State; and also for such as may hereafter settle on or improve any of said lands:" approved December 31st, 1842.

Mr. Roberts, from the minority of the committee of conference, on the bill entitled "an act to alter the time of holding the general elections of this State," on leave given,

Reported, the same, and recommended the adherence of the Senate to their amendment to the bill, it being in effect, in the opinion of said minority, to do away with all matters of general politics, which ought not to have any influence in local elections.

Mr. Gaines of Scott, gave notice that, at some future day, during the session, he would introduce a bill to repeal the charter of the city of Little Rock, and all other corporations that have issued change tickets.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act to prevent persons from setting fire to the woods, and for other purposes," and the assent of the House is asked.

The memorial to the Congress of the United States, recommending Memphis, Tennessee, as a suitable point to establish a naval depot and armory," was taken up and read, and was referred to a committee, consisting of

Messrs. Collins, Cocke, and Rieves of Crittenden.

The bill of the House entitled "an act to establish a road from the Missouri line to Louisiana," was taken up and read a second time, and

On motion of Mr. Lemoyne, the House resolved itself into a committee of the whole, Mr. Roberts in the chair.

The Speaker, after the deliberations of the committee had closed, resumed his chair.

When Mr. Roberts, chairman, reported progress, and asked leave to sit again.

On motion of Mr. Conway, the House adjourned.

JANUARY 2d, 1843.
Monday morning, 9 *o'clock*.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

On motion of Mr. Mayers, leave was granted the select committee, who were appointed to visit the penitentiary, to proceed to the business for which they were raised during the session of the House.

On motion of Mr. Cline, Mr. Johnson was added to that committee.

On motion of Mr. Calvert of Saline, leave of absence was granted Mr. Flanagan.

Petitions from counties were declared in order.

Mr. Gibson presented a petition from sundry citizens of Hot Spring county, remonstrating against leasing out the south west quarter of section No. 16, of township No. 4, south of range No. 17 west, to Mrs. Lavinia Huddleston, for the term of ninety-nine years.

Which was read.

Reports from standing committees were in order.

Mr. Cocke, from the committee on the judiciary, on leave given,

Reported against the passage of the bill to be entitled an act to repeal the second and third sections of the 155th chapter of the Revised Statutes, under the head of Venue.

And the bill entitled an act to amend the 173d section of the 87th chapter of the Revised Code.

Also a bill entitled an act regulating proceedings on writs of certiorari and supersedeas.

Also a bill to be entitled an act concerning runaway slaves, and recommend the passage of a bill entitled an act concerning the limitations of actions.

Also the bill entitled an act to amend the law of administrations, with an amendment by adding a separate section; and also the bill entitled an act to facilitate the recovery of personal property in certain cases, with an amendment; which amendments to the several bills were read and adopted; when

Mr. Llewellyn moved that the report of the committee, so far as related to the bill entitled an act concerning runaway slaves, be rejected.

Which motion was lost.

Reports from select committees were in order.

Mr. Collins, from the select committee to whom was referred the memorial to Congress recommending Memphis, Tennessee, as a suitable city for a naval depot and dock yard, and also for the establishment of a western armory, on leave given,

Reported the same back to the House, with a small amendment.

When, on motion of Mr. Rieves of Crittenden, the memorial was put on its final passage, and passed, and was transmitted to the Senate for their assent.

Mr. Gibson, from the committee to whom was referred the petition of Mrs. Lavinia Huddleston, on leave given,

Reported by bill entitled "an act for the relief of Mrs. Lavinia Huddleston; which was read a first time, and

On motion of Mr. Gibson, the rules were dispensed with, 39 to 5, and the bill read a second and third time, and passed, and was transmitted to the Senate.

Mr. Field, from the select committee to whom was referred the Governor's special message, relative to the lands claimed by Mr. Wynn and others, which have been located by the State, on leave given,

Reported the following resolution, to wit:

Resolved, That it is deemed inexpedent by this House, to raise any location made by the locating agent appointed by the Governor, unless when a valid right of pre-emption can clearly be shown.

Which resolution was adopted.

Mr. Rieves of Crittenden, from the committee to whom was referred the bill of the Senate entitled "an act concerning forfeited lands," on leave given,

Reported the same back to the House with amendment, by striking out in the eleventh line in the second section, the word *fifteen* and inserting eighteen; which amendment was adopted.

Mr. Cocke, from the select committee to whom was referred the bill entitled "an act to extend the time of returns on executions; and also the bill entitled "an act to repeal the 123d section of the 87th chapter of the Revised Code, on leave given,

Reported the same back to the House by substitute entitled "an act to provide for the appraisment of property taken under execution, which was read a first and second time, and made the orders of the day for Thursday next, and one hundred copies ordered to be printed.

Mr. Hardwick, from the committee to whom was referred the bill entitled "an act reducing the number of grand jurors," on leave given,

Reported the bill back to the House without amendment.

The bill entitled "an act for the relief of Henry A. Engles," was taken up and the amendments of the Senate read; when

Mr. Steuart of Desha, moved a call of the House, which was sustained, at 25 minutes past eleven o'clock, the roll was called, whereby it appeared that, Messrs. Cocke, Collins, Gaines of Scott, Gibson, Hanly, Rust, and Roane, were absent; at 12 o'clock, M. the members appeared in the Hall, and the House progressed in the business suspended by the call.

Mr. Byers now moved to disagree to the amendments of the Senate; which motion was carried; and a committee of conference, consisting of

Messrs. Byers, Gibson, and Logan, were appointed on the part of the House, to confer with such committee as shall be appointed on the part of the Senate, upon the disagreement of the House to the Senate's amendment.

Mr. Collins, pursuant to notice, offered the following resolution:

Resolved, That the resolution passed on Monday last, declaring a motion to adjourn before the hour of 2 o'clock, out of order, be, and the same is hereby rescinded.

On motion of Mr. Mayers, the resolution was laid on the table.

Pursuant to notice, Mr. Conway introduced a resolution as rule No. 50.

That any member may, at any time, move for a call of the House, and his motion being sustained by five members, a call of the House shall be ordered.

But a call may be ordered by the Speaker, at any time when in his opinion, there is not a quorum.

On motion of Mr. Collins, the resolution was rejected.

Message from the Governor by his private Secretary, Mr. A. B. Greenwood, signifying his Excellency's approval of "an act for the relief of George Dack:" approved 31st Dec. 1842.

And an act to authorise John R. H. Scott, and R. W. Jamison, to sell certain lands," approved December 31st, 1842.

The bill of the Senate entitled "an act more fully to define the line between the counties of Carroll and Madison," was taken up and read a first time.

On motion of Mr. Vaughan, the rules were dispensed with, 47 to 5, and the bill read a second and third time, and passed, and was transmitted to the Senate whence it originated.

The bill entitled "an act amendatory of the 62d chapter of the Revised Statutes of the State of Arkansas," was taken up and read a first time.

The bill entitled "an act concerning the inspection of tobacco," was taken up and read a third time, and passed.

The bill of the Senate to prevent setting fire to the woods and prairies," was taken up and read a first time.

On motion of Mr. Greenwood, the House now resolved itself into committee of the whole, on the bill entitled "an act to establish a road from the Missouri line to the Louisiana line;" Mr. Greenwood in the Chair.

After the committee had concluded their deliberation, Mr. Speaker resumed the chair; and Mr. Chairman,

Reported the bill back to the House without amendment; when

On motion of Mr. Tackett, the bill was laid on the table indefinitely.

The bill to authorise the Auditor to draw warrants on the Treasurer in certain cases, was taken up and read a third time and passed.

Mr. Rieves of Crittenden, moved to reconsider the vote on the passage of the bill; when he offered a separate section to the bill, which was adopted, and the bill with the amendment passed.

The bill of the Senate concerning the practice and decision in the Supreme Court, was taken up and read a first time.

On motion of Mr. Byers, the rules were dispensed with, and the bill read a second time, and referred to the committee on the judiciary.

On motion of Mr. Rieves of Crittenden, the House adjourned.

JANUARY 3d, 1843.
Tuesday morning, 9 *o'clock*.

The House met pursuant to adjournment.

Chaplain absent.

On motion of Mr. Crutchfield, leave absence was granted Mr. Roberts for one day.

Petitions from counties were declared in order.

None were offered.

Reports from standing committees were in order.

None were offered.

Reports from select committees were in order.

Mr. Hanly from the special committee which were raised to investigate into the conduct of the Hon. Thomas J. Lacy in certain cases, who was appointed by the House to proceed to Helena to take depositions, on leave given,

Reported, That he had performed the special duty; which report and the accompanying documents were referred to the same committee.

Mr. Calvert of Saline, from the committee to whom was referred the petition of sundry citizens of Saline, Clark, and Hot Spring counties, on leave given,

Reported by bill entitled "an act for the relief of Alfred E. Ashbrooks," which was read a first time; and

On motion of Mr. Calvert of Saline, the rules were dispensed with, 39 to 14, and the bill read a second time.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have assented to the following bills from the House, to wit:

"An act to call in the scrip of Conway county."

"An act to call in the scrip of Clark county."

"An act entitled an act to alter and amend the 86th chapter of the Revised Statutes of this State, under the head of Justices of the Peace," all of which are herewith returned.

The Senate have rejected the bill from the House entitled "an act to facilitate the collection of debts, &c.," which is herewith returned.

On the subject of the dissent of the House from the amendment proposed by the Senate to the bill of the House entitled "an act to survey and mark out the northern boundary of this State," the Senate have appointed Messrs. Thompson, Clark, and Scott of Crawford, a committee of conference to act on the part of the Senate, in conjunction with a similar committee to be appointed by the House, and the act is in their hands.

The Senate have also adopted a joint resolution requiring the Secretary of State to furnish the counties of Union and Bradley with the number of copies of the Revised Statutes of this State to which they are entitled by law, which resolution is herewith transmitted, and the assent of the House is asked thereto.

The Senate have also assented to the following bills from the House:

"An act for the relief of the estate of Hugh C. Hinton."

"An act for the relief of John Malpass," both of which are herewith returned.

Upon the subject of the disagreement of the House to the amendment of the Senate of the bill from the House entitled "an act for the relief of Henry A. Engles," the Senate have appointed

Messrs. Walker of Washington, and Magness, a committee of conference on the part of the Senate, to act in conjunction with the committee already appointed by the House.

Mr. Speaker appointed Messrs. Finley, Wiley, and Nott a committee of conference on the part of the House to confer with the Senate's committee concerning the disagreement of the House to the Senate's amendment of the bill entitled an act to survey and mark out the boundary line between the State of Arkansas and Missouri.

Mr. Gibson offered to amend the bill by striking out all after the enacting clause and inserting the following:

"That after the taking effect of this act, any pedler or hawker of any goods, wares, or merchandize, who is a bona fide resident of this State, shall only be taxed according to the value of their stock in trade, which value shall be ascertained by rendering a schedule of his or their stock, and making affidavit of its true cost and amount, and that he is a bona fide resident of this State, which affidavit shall be sworn to and subscribed before some judge or justice of the peace, and that this act take effect and be in force from and after its passage."

Mr. Scott of Sevier, moved to lay the amendment on the table.

Mr. Miller called for the ayes and noes, and they were ordered, and the question decided in the negative, by ayes 14 to noes 38.

The members voting in the affirmative are

Messrs. Baines, Brazil, Blakemore, Calvert of Saline, Flanagan, Gaines of Scott, Gage, Greenwood, Humphrey, Houston, Jeffrey, McClain, Scott, and Wiley—14.

The members voting in the negative are

Messrs. Arrington, Armstrong, Byers, Bateman, Burke, Conway, Campbell, Crutchfield, Cocke, Calvert of St. Francis, Cline, Cook, Field, Gibson, Gray, Hanly, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roane, Steuart of Desha, Stout, Tackett, Thompson, Vaughan, and Waters—38.

Mr. Peeler moved that the bill and amendment be laid on the table till July next.

Mr. Parks called for the ayes and noes, and they were ordered, and the question decided in the negative, by ayes, 13 to noes 44.

The members voting in the affirmative are

Messrs. Conway, Fancher, Flanagan, Gaines of Scott, Greenwood, Marks, Martin of Pulaski, McClain, Nott, Peeler, Roane, Steuart of Desha, and Wiley—13.

The members voting in the negative are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Brazil, Blakemore, Burke, Collins, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Cline, Cook, Field, Finley, Gibson, Gaines of

Chicot, Gray, Gage, Humphrey, Hardwick, Hanly, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Franklin, Mayers, Miller, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Stout, Scott, Tackett, Thompson, Vaughan, Waters, and Mr. Speaker—44.

So the motion was lost.

Mr. Hanly offered the following amendment:

"*Provided*, That the provisions of this act shall not be so construed as to extend to and embrace hawkers and pedlers of clocks."

Which amendment was accepted by the mover.

Mr. Crutchfield offered to amend the first section: after the word "State," insert "and has been such resident for six months."

Which was adopted; when,

On motion of Mr. Gibson, the bill was referred to a select committee of five, consisting of

Messrs. Gibson, Crutchfield, Arrington, Calvert of Saline, and Gray.

Mr. Gray, from the committee to whom was referred the several petitions and remonstrances concerning the division of the counties of Franklin, Crawford, Johnson and Scott, on leave given,

Reported the same back to the House, recommending the division proposed in said petition should not be put into effect.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have assented to the following bills from the House, viz:

"An act to authorize the county court of Scott county to order the records of the courts of said county to be removed from Boonville to Winfield, and for other purposes."

"An act concerning the recording titles to real estate."

Which are herewith returned.

The Senate have also assented to the bill of the House entitled "an act allowing compensation to E. A. More, for his services as one of the commissioners of the Penitentiary."

Mr. Steuart of Desha, from the committee to whom was referred the memorial to the Congress of the United States, praying that there be a United States mail route, established from Napoleon, Mouth of Arkansas, to Little Rock, on leave given,

Reported the same back without amendment, and recommended its passage.

When the memorial was read a third time, and

On motion of Mr. Hanly, was recommitted.

On motion of Mr. Llewellyn, Mr. Hanly was added to the committee on the memorial.

Mr. Byers, from the committee of conference, on the bill entitled "an act for the relief of Henry A. Engles," on leave given,

Reported that the committee recommend that the House of Representatives recede from their disagreement to the Senate's amendment.

Which was agreed to by the House.

Motions and resolutions were in order.

On motion of Mr. Cocke, the bill entitled "an act to repeal part of an act entitled an act extending the powers of the Mayor and Aldermen of the city of Little Rock," was taken up and recommitted to the same committee.

Mr. Collins gave notice that, sometime during the present session, he would introduce a bill to repeal the 10th section of the 62nd chapter of the Revised Statutes.

The orders of the day were now taken up.

The bill of the House reducing the number of grand jurors, was taken up and read a third time and passed.

The bill entitled "an act to facilitate the recovery of personal property in certain cases," was taken up and read a third time and passed, and was transmitted to the Senate.

The bill of the Senate concerning the limitations of actions, was taken up and read a third time and passed, and was transmitted to the Senate, whence it originated.

On motion of Mr. Greenwood, the vote on the passage of the bill entitled "an act reducing the number of grand jurors," was reconsidered, and the bill taken up and read again, when,

Mr. Greenwood amended by inserting nine in place of twelve.

Mr. Mayers would amend by inserting sixteen in place of thirteen.

Which was lost.

Mr. Roane moved to lay the bill on the table.

Mr. Humphrey called for the ayes and noes and they were ordered, and the question decided in the affirmative, by ayes 31 to noes 25.

The members voting in the affirmative are

Messrs. Arrington, Byers, Bateman, Brazil, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Cline, Cook, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gray, Hanly, Llewellyn, Lemoyne, Logan, Marks, Martin of Pulaski, Mayers, Nott, Rieves of Crittenden, Roane, Steuart of Desha, and Tackett—31.

The members voting in the negative are

Messrs. Baines, Calvert of Saline, Calvert of St. Francis, Gaines of Scott, Gage, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Martin of Franklin, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—25.

So the bill was laid on the table.

The bill entitled "an act to define the meaning of the third section of the 30th chapter of the Revised Statutes," was taken up and read a second time, and

On motion of Mr. Lemoyne, was referred to the committee on the judiciary.

The bill of the Senate to repeal the 8th section of an act defining the judicial circuits of this State, and prescribing the time of holding courts therein, was taken up and read a second time.

On motion of Mr. Greenwood, the rules were dispensed with, 43 to 9, and the bill read a third time.

Mr. Hanly amended the bill by adding a separate section, as follows:

Provided, nevertheless, That in no case shall slaves be sold under execution, except in term time, and that the law which was in force previous to the passage of the act which this act proposes to repeal, be, and the same is hereby declared to be revived, so far as the same is applicable and not inconsistent herewith.

Which was adopted and the bill passed, and was transmitted to the Senate.

On motion of Mr. Rieves of Crittenden, the House adjourned.

JANUARY 4TH, 1843.
Wednesday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as Chaplain.

On motion of Mr. Hanly, leave of absence was granted Mr. Roane, for one day.

On motion of Mr. Nott, leave of absence was granted Mr. Rieves of Crittenden, for one day.

Mr. Greenwood presented a petition from Mr. R. W. Johnson, asking for an appropriation in his behalf for services as prosecuting attorney, as set forth in his petition.

Which was read and referred to a committee of three, consisting of Messrs. Greenwood, Mayers, and Cocke.

Mr. Martin of Pulaski, presented a petition from sundry citizens of Pulaski county, asking for an alteration in the line between White and Pulaski counties.

Which was read and referred to the committee on counties and county lines.

Reports from standing committees were in order.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled the following acts, to wit:

"An act concerning the recording of titles to real estate."

"An act for the relief of John Malpass."

"An act to alter and amend the 86th chapter of the Revised Statutes of this State, under the head of Justices of the peace."

"An act for the relief of the estate of H. C. Hinton."

"An act to authorise the county court of Scott county, to remove the records and offices from the present seat of justice to Winfield."

"An act to call in the scrip of Clark county."

"An act to call in the scrip of Conway county."

"An act allowing compensation to Elijah A. More, as one of the commissioners of the penitentiary."

Reports from select committees were in order.

Mr. Gage, from the committee to whom was referred the petition of sundry citizens of Washington county, praying to be stricken off and attached to the county of Madison, on leave given,

Reported the bill entitled "an act more fully to define the line between the counties of Madison and Washington."

Which was read.

Mr. Blakemore, from the minority of the same committee, on leave given,

Reported against the bill.

Mr. Cline moved that the report from the minority be adopted, and that the bill be laid on the table until 1st day of April next.

Mr. Vaughan called for the ayes and noes, and they were ordered; and the question decided in the affirmative by ayes 29 to noes 24.

The members voting in the affirmative are

Messrs. Arrington, Byers, Bateman, Brazil, Blakemore, Burke, Campbell, Cocke, Calvert of Saline, Calvert of St. Francis, Cline, Cook, Field, Fancher, Gibson, Gaines of Scott, Gray, Greenwood, Hanly, Houston, Logan, Marks, Martin of Franklin, Miller, Parks, Stout, Tacket, Thompson, and Mr. Speaker—29.

The members voting in the negative are

Messrs. Armstrong, Baines, Bizzell, Collins, Conway, Flanagan, Gaines of Chicot, Gage, Humphrey, Hardwick, Jeffrey, Johnson, Llewellyn, Martin of Pulaski, Mayers, Milligan, Nott, Peeler, Reeves, of Crawford, Roberts, Scott, Vaughan, Waters, and Wiley—24.

So the bill was laid on the table.

Mr. Stout, from the committee on claims, on leave given,

Reported on the petition of James M. Halbert, sheriff of St. Francis county, asking for pay for certain services as such sheriff, that the committee are of opinion that the Legislature can do nothing in his behalf.

Mr. Logan, from the select committee to whom was referred the bill entitled "an act to change the mode of assessing taxes in this State, on leave given,

Reported by substitute entitled "an act to authorise the several county courts in the State to appoint assessors for their respective counties," which was read a first time.

Mr. Steuart of Desha, from the committee to whom was referred the memorial to the Congress of the United States, praying for the establishment of a United States mail route from Napoleon to Little Rock, on leave given,

Reported the same with an amendment; which was read and adopted.

On motion of Mr. Steuart of Desha, the rules were dispensed with, 43 to 5, and the memorial read a third time.

On motion of Mr. Martin of Pulaski, the memorial was laid on the table.

On motion of Mr. Wiley, the orders of the day were taken up.

The bill of the House entitled "an act to sever the offices of sheriff and collector, sheriff and assessor, and sheriff and public administrator," was taken up and read a third time; and

On motion of Mr. Burke, referred to a select committee of five, consisting of

Messrs. Hanly, Crutchfield, Burke, Llewellyn, and Miller.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have assented to the bill from the House entitled "an act to call in the scrip of Pope county," with certain amendments, which are thereto appended and herewith returned, and the concurrence of the House is asked thereto.

The Senate have also assented to the bill of the House entitled "an act to repeal the 11th section of the 94th chapter of the Revised Code," with an amendment, which is thereunto appended and herewith returned.

The bill of the House entitled "an act for the relief of James B. Russell, executor of the last will and testament of George Russell, deceased," was taken up and read a second time, and

On motion of Mr. Stout, the rules were dispensed with, 42 to 3, and the bill read a third time and passed, and was transmitted to the Senate.

The bill of the Senate to repeal the 15th section of a law in the Revised Code, chapter 23d," was taken up and read a second time, and

On motion of Mr. Lemoyne, was referred to the committee on the judiciary.

The bill of the Senate entitled "an act for the relief of the estate of Daniel R. Looney, deceased," was read a second time, and

On motion of Mr. Mayers, the rules were dispensed with, 42 to 6, and the bill read a third time and passed, and was transmitted to the Senate.

The bill of the Senate entitled "an act for the relief of Thomas S. Haynes," was read a second time.

On motion of Mr. Lemoyne, the rules of the House were dispensed with, 41 to 9, and the bill read a third time and passed, and was transmitted to the Senate.

The bill of the House entitled "an act to punish persons for enticing away slaves," was taken up and read a second time.

On motion of Mr. Flanagan, was referred to the committee on the judiciary.

The bill of the House entitled "an act to explain and amend the Statutes of this State, so far as concerns the granting of appeals in certain cases," was read a second time, and referred to the committee on the judiciary.

The bill of the House entitled "an act to repeal the first section of the 127th chapter of the Revised Statutes, and to provide the mode of electing a reporter of the Supreme Court," was taken up and read a second time.

Mr. Conway moved to lay the bill on the table till first of April.

Mr. Peeler called for the ayes and noes, and they were ordered, and the question decided in the affirmative by ayes 30 to noes 27.

The members voting in the affirmative are

Messrs. Byers, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Humphrey, Houston, Johnson, Llewellyn, Lemoyne, Marks, Martin of Pulaski, Miller, Milligan, Parks, Steuart of Desha, Scott, Tackett, Thompson, Waters, and Wiley—30.

The members voting in the negative are

Messrs. Arrington, Armstrong, Baines, Bateman, Bizzell, Brazil, Blakemore, Burke, Cline, Cook, Field, Fancher, Gage, Greenwood, Hardwick, Hanly, Jeffrey, Martin of Franklin, Mayers, McClain, Peeler, Roberts, Rust, Stout, Vaughan, and Mr. Speaker—27.

The bill entitled "an act concerning actual settlers on forfeited lands, giving them continuance," was read a second time, and

On motion of Mr. Martin of Pulaski, the rules were dispensed with, 35 to 15, and the bill read a third time and passed, and was transmitted to the Senate.

The bill of the House entitled "an act to appropriate fifteen hundred dollars to clear out Current river, was taken up and read a second time; when

On motion of Mr. Cline, the bill was laid on the table till the first day of April next.

The bill of the House entitled "an act for the more certain pay of the members of this General Assembly," was read a second time.

On motion of Mr. Lemoyne, was laid on the table till the 1st day of April next.

The bill of the House entitled "an act to distribute the proceeds of the five per cent. fund, and to divide the same among the several counties of the State," was taken up and read a second time, and

On motion of Mr. Roberts, was referred to a committee, consisting of

Messrs. Roberts, Martin of Pulaski, Greenwood, and Collins.

The bill entitled "an act to provide for the payment of fees in certain cases," was read a second time, and

On motion of Mr. Greenwood, was referred to the committee on the judiciary.

The bill of the House entitled "an act for the improvement of Black river," was read a second time, and

On motion of Mr. Cline, was laid on the table till the 1st day of April next.

The bill entitled "an act to lay out and construct a road from Little Rock to Fort Smith, on the south side of the Arkansas river," was taken up and read a second time, and

On motion of Mr. Greenwood, was laid on the table till the 1st day of April next.

The bill entitled "an act to establish a road on the north side of the Arkansas river, from Little Rock to Van Buren in Crawford county," was read a second time, and

Mr. Greenwood moved to lay the bill on the table till the 1st day of April next.

Mr. Miller called for the ayes and noes and they were ordered, and the question decided in the affirmative, by ayes 43 to noes 13.

The members voting in the affirmative are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Cline, Cook, Fancher, Flanagan, Finley, Gibson, Gage, Greenwood, Humphrey, Houston, Jeffrey, Johnson, Llewellyn, Marks, Martin of Pulaski, Mayers, Peeler, Parks, Rust, Steuart of Desha, Stout, Scott, Tackett, Vaughan, Waters, Wiley, and Mr. Speaker—43.

The members voting in the negative are

Messrs. Byers, Field, Gray, Hardwick, Hanly, Lemoyne, Miller, McClain, Reeves of Crawford, Roberts, and Thompson—13.

So the bill was laid on the table till the 1st day of April next,

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have concurred in the amendment of the House to "an act concerning forfeited lands," which is herewith returned.

The bill entitled "an act amendatory of the 102nd chapter of the Revised Statutes, title *Ne-exeat*, was read a second time, and

On motion of Mr. Lemoyne, was referred to the committee on the judiciary.

The bill of the Senate entitled "an act to prevent waste on the 16th sections," was taken up and read a second time, and

On motion of Mr. Crutchfield, the bill was referred to a committee of three, consisting of

Messrs. Crutchfield, Cline, and Greenwood.

The bill entitled "an act to amend the law concerning roads and highways," was read a second time, and

On motion of Mr. Martin of Pulaski, the rules were dispensed with, 43 to 9, and the bill read a third time.

Mr. Armstrong would amend, which was out of order.

Mr. Field moved to lay the bill on the table till the 1st day of April next.

On motion of Mr. Rust, the House adjourned.

JANUARY 5th, 1843.
Thursday morning, 9 o'clock,

The House met pursuant to adjournment.

Chaplain absent.

Message from the Senate by the Secretary, Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed the following joint resolution:

Resolved by the General Assembly of the State of Arkansas, That the Governor be, and he is hereby required to cause an abstract of an act passed during the present session of this General Assembly entitled "an act for the benefit of such persons as have settled on or have made improvements on the public lands in this State, and, also, for such persons as may hereafter settle on or improve any of said lands, to be advertised weekly in one newspaper published in the States of Tennessee, Missouri, Alabama, Georgia, South Carolina, North Carolina, Indiana, Illinois, Mississippi, and Kentucky, for six months, and that the Governor pay cost of advertising out of the contingent fund of this State.

No petitions from counties offered.

Reports from standing committees were declared in order.

Mr. Greenwood from the committee on enrollments, on leave given,

Reported correctly enrolled "an act concerning forfeited lands."

Reports from select committees were in order.

Mr. Greenwood, from the committee to whom was referred the petition of R. W. Johnson, of yesterday, on leave given,

Reported by bill entitled "an act in relation to attorneys of State," which was read, and

On motion of Mr. Mayers, the rules were dispensed with 42 to 13, and the bill read a second and third time and passed, and was transmitted to the Senate.

Mr. Field, from the committee who were appointed by resolution, to enquire into the conduct of the Hon. T. J. Lacy, on leave given,

Reported as follows, to wit:

The select committee appointed to enquire into the judicial conduct of the Hon. Thomas J. Lacy, have instructed me to report and make known to this House, that their authority has been questioned, and that the Hon. John W. Cocke, who was called before the committee to testify, did refuse, and still refuses to answer the following question, propounded to him by your committee, which question is in the following words, to wit:

Have you ever heard Judge Lacy speak disparingly of any attorney who practices before him in the supreme court?

To this question, Mr. Cocke made the following answer in writing:

If the committee will specify any particular charge against Judge Lacy, of improper language or conduct used towards any members of the bar, I will cheerfully state whether I know the same to be true, and will give the committee any information I may be able to impart in regard to the particular charge preferred.

The above is Mr. Cocke's answer, which the House will have no difficulty in understanding. It is a refusal to answer the question propounded by the committee. And now the question is, will the committee have to stop here, or will the House use its authority and compel the witness to answer such questions as may be propounded to him? It was a contempt to the committee, although we are aware, (and take pleasure in stating to the House,) that it was not so intended by Mr. Cocke.

The House is, therefore, respectfully asked by your committee to interpose and have Mr. Cocke brought before the bar of this House on to-morrow morning, and answer what may be objected against him in the premises, and, more particularly, that he be required to show cause why he was guilty of the contempt above laid to his charge, and whether he will or will not answer the question herein given, as he is legally bound so to do.

JOHN FIELD,
Chairman of Committee.

Mr. Gibson moved that the report be rejected.

Mr. Arrington called for the ayes and noes and they were ordered, and the question decided in the affirmative, by ayes 51 to noes 9.

The members voting in the affirmative are

Messrs. Arrington, Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Burke, Collins, Conway, Campbell, Crutchfield, Calvert of Saline, Calvert of St. Francis, Cline, Cook, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Franklin, Miller, Milligan, McClain, Nott, Parks, Rieves of Crittenden, Roberts, Steuart of Desha, Stout, Scott, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—51.

The members voting in the negative are

Messrs. Armstrong, Field, Hanly, Martin of Pulaski, Mayers, Peeler, Reeves of Crawford, Roane, and Rust—9.

So the report was rejected.

Mr. Hanly, from the select committee to whom was referred the bill of the House to sever the office of sheriff and collecter, sheriff and assessor, sheriff and public administrator, on leave given,

Reported the same back to the House with amendment.

Mr. Gaines of Scott, would fill the blank in the third line of the seventh section by inserting two years, which was adopted.

Mr. Marks moved to lay the bill as amended on the table.

Mr. Miller called for the ayes and noes and they were ordered, and the question decided in the negative, by ayes 24 to noes 34.

The members voting in the affirmative are

Messrs. Byers, Brazil, Collins, Cocke, Calvert of Saline, Calvert of St. Francis, Cook, Flanagan, Finley, Gibson, Gaines of Chicot, Humphrey, Hardwick, Houston, Jeffrey, Marks, Mayers, Parks, Reeves of Crawford, Rieves of Crittenden, Roane, Steuart of Desha, Waters, and Wiley—24.

The members voting negatively are

Messrs. Arrington, Armstrong, Baines, Bateman, Bizzell, Blakemore, Burke, Campbell, Crutchfield, Field, Fancher, Gaines of Scott, Gage, Greenwood, Haynes, Hanly, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Miller, Milligan, McClain, Nott, Peeler, Roberts, Stout, Scott, Tackett, Thompson, Vaughan, and Mr. Speaker—34.

So the bill was not laid on the table.

Mr. Greenwood amended the last section by inserting from and after the first day of January, 1844.

Mr. Flanagan would amend by striking out the third section, which was done.

He would then insert another in the lieu, which was lost.

On motion of Mr. Hanly, the bill was re-committed.

On motion of Mr. Field, the House adjourned.

JANUARY 6th, 1843.
Friday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as Chaplain.

Petitions from counties were in order.

Mr. Mayers presented a remonstrance from several citizens of Crawford county against the proposed division of said county, which was read, and laid on the table, the same matter having been duly acted upon by the House, before.

Reports from standing committees were in order.

None were offered.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body that the Senate have assented to the bill from the House entitled "an act requiring certain lands to be listed with the assessor of the proper county for taxation," also,

"An act concerning judgments on delivery bonds," which are herewith returned.

The Senate have concurred in amendments of the House to the bill of the Senate entitled "an act relating to inspectors of tobacco."

The Senate have also concurred in the amendments of the House to a bill from the Senate entitled "an act to authorize the auditor to draw warrants on the treasury in certain cases."

Reports from select committees were in order.

Mr. Field, from the select committee on the Real Estate Bank, on on leave given,

Reported; which report was read, when

On motion of Mr. Gibson, the special report of the committee raised by resolution to enquire into the sale and disposition of the 500 State bonds sold in behalf and for the use of the Real Estate Bank, was taken up and read with the accompanying documents, when

On the leave of the House, Mr. Rust and Mayers withdrew their names from the general report of the committee on the Real Estate Bank, as read this morning.

On reading the several documents accompanying the said special report, three copies of letters from the business journal of the said Real Estate Bank were found to be uncertified by the secretary of said bank, as to their being true copies, when

Mr. Arrington moved that Mr. Thomas W. Newton, cashier, and acting secretary of said bank, be requested to append this certificate to the uncertified copies, which, by mistake he has omitted to certify.

Mr. Mayers would amend the motion, by adding: "and that the committee have the power to amend all other parts of their report by introducing other testimony, as they have not made a full report, and that the extraordinary proceeding about to take place, be recorded upon the journals, which, on leave of the House, was withdrawn.

Mr. Arrington called for the ayes and noes on the adoption of this motion, which were ordered, and the question decided in the affirmative, by ayes 35 to noes 24.

The members voting in the affirmative are

Messrs. Arrington, Baines, Byers, Bateman, Burke, Collins, Campbell, Cocké, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott Greenwood, Haynes, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Franklin, Miller, Milligân, McClain, Parks, Reeves of Crawford, Roberts, Tackett, and Thompson—35.

The members voting in the negative are

Messrs. Armstong, Bizzell, Brazil, Blakemore, Crutchfield, Fancher, Gray, Gage, Humphrey, Hardwick, Hanly, Houston, Martin of Pulaski, Mayers, Nott, Rieves of Crittenden, Roane, Rust, Steuart of Desha, Vaughan, Waters, Wiley, and Mr. Speaker—24.

So the motion was carried.

On motion of Mr. Mayers, a committee of three, consisting of

Messrs. Mayers, Arrington, and Armstrong, were appointed to wait on Mr. Newton, who came to the Clerk's table, and having appended his certificate to said documents, delivered them to the Clerk.

Mr. Rust, from the minority of said select committee, raised to investigate into the sale of the 500 State Bonds, on leave given,

Reported, and is as follows:

The undersigned members of the joint select committee, to whom was referred Mr. Field's resolution, with their amendments, in consideration of the extraordinary report made by him as chairman of that committee, in relation to that branch of the investigation, directed to the conduct of A. H. Sevier, deem it a duty which they owe to truth and justice, as well as to that individual, who has been pursued and hunted down with a malignity and vindictiveness unparalleled in the annals of political warfare, from the first day of this session of the legislature, to the present time, that a fair and impartial and unprejudiced statements of the facts and circumstances, relating to his connection with this subject should be made.

The report submitted a few days ago, by the chairman of the committee, is sophistical in its arguments, exaggerated in many instances, garbled in others, and unjust and illiberal in all its deductions and conclusions.

It is not that we would court controversy and altercation of any kind, nor that we are ambitious of appearing as Col. Sevier's champions, ready to defend his fame and character, when the one is sullied, and the other degraded and disgraced by acts of turpitude and business, that we now offer this statement to the House, but in discharge of a trust committed to us in vindication of truth and justice, and of the character and dignity of this legislature, which has on yesterday, elected Col. Sevier to the first office in their gift, and to day instead of according to him a character for that purity of principle, that unbending integrity, and that lofty sense of honor, which alone would render him worthy of our confidence, and the high honor we have conferred upon him, have by this report, if we adopt it, pronounced him faithless, dishonest, unprincipled, and charged him with conduct the most criminal and corrupt.

After a member of this committee, prior to the election of United States Senator, announced on the floor of the Senate, that nothing had been elicited in the investigation upon which this report was founded, which could or should effect the result of that election; and the gentleman chairman himself, made a declaration to the same effect in this House; every member of this body must have been amazed at the character of the document which was alleged to have been predicted upon that investigation. In explanation of the course of the chairman himself, it may be due to him, to state that he did not pen a line of that labored production, which he must have thought when it was submitted to him, would, and which it no doubt will, secure to whomsoever the authorship is awarded, "his country's deepest gratitude and respect."

Had the author have been more competent to arrange, compile, and elucidate the facts of the case upon which this House desired information, than the elected chairman, which unless certain qualities for which that gentleman is somewhat distinguished, be considered the most necessary qualifications for such a duty, we are unwilling to admit we should have considered this circumstance less worthy of remark. Had the real author of that report appeared as the ostensible one, we should have felt less imperatively called upon to correct its gross mis-statements and erroneous conclusions. This House and the country would then have made some allowance for the exaggeration of passion and prejudice, by which the best of us are some times unconsciously influenced, and of which, in the frailty of our natures, it is impossible to divest ourselves. The gentleman himself who draughted the report, we have to determine as to the propriety and delicacy of first appearing as accuser, and afterwards acting as judge in a case, the result of which might seriously affect his own reputation; while we studiously avoid the imputation of any improper motive, or dishonorable conduct to him, we would also declaim any desire whatever, to attribute to the chairman who has merely acted as accoucher, on the occasion, a want of self-respect and a just sense of his own dignity, by presenting him to this House as a pliant and passive instrument in another man's hands, who has been induced to avail himself of an opportunity which his privilege, as one of its members, offered him to assail the conduct and character of an individual, who was not present to confront his accusers, and repel the foul insinuations and aspersions which have been heaped upon him. We trust the honorable chairman has acted no such part. It is in defence of ourselves, through whose sides every wound upon Col. Sevier's reputation by this report, must be inflicted, that we claim the indulgence of this House, while we remove all the grounds of the charge to a large majority of its members, are equally obnoxious with ourselves. We partake of the guilt of Col. Sevier, if with the lights upon the subject in our possession, with all the evidences of this corrupt, dishonorable, and unprincipled conduct, with which he is either directly, or by implication charged in this report before our eyes, we have approved, sanctioned, and even commended such conduct, by bestowing upon him the highest testimonials of our favor and confidence.

Having explained the motives and considerations by which we have been governed in the discharge of a duty which we did not feel at liberty to decline, we would respectfully submit.

That in reply to the first enquiry instituted by the resolutions in relation to the sale of the *State Bonds*, on account of the Real Estate Bank, we found by an examination of the records and papers of the Bank, that Messrs. T. T. Williamson, and A. H. Sevier, sold as commissioners or agents for the Bank, five hundred Bonds, amounting to $500,000, to the Hon. Levi Woodburry, then Secretary of the U. S. Treasury, for an investment of the Smithsonian Legacy, for which they, as the act of sale *expresses*, received a deposit to their credit for that amount, in the North American Trust and Banking Company of New York.

From the records of the Bank, we have to assume from the fact, that the Smithsonian Legacy was offered to the highest bidders in State bonds, and that there was great competition among the different States at the time these bonds were sold; for this fund we are led to believe that the bonds were sold for less than their par value abroad, and the deficiency was made up by the subsequent conversion of the funds originally received into Southern and Western Exchange, under the instructions of the Central Board. It is not necessary here to state that a sale of one bond at a discount would have been a direct and flagrant violation of the charter of the Bank. But the science of finance had been reduced to such perfection at this time, that this was a difficulty readily obviated. The ingenuity of the commissioners had not here to be called into action with a foresight indispensibly necessary for a successful financier; the President, under whose instructions they were then acting, anticipating the probable failure of the commissioners to effect a sale of the bonds at their par value, suggested to them in the event of such failure. That the words, receive not less than par value, in the opinion of the board, will fully authorise a sale at *less* than par at home, (see instructions under date 6th June, 1838, page 9th of the bank Journal.) That is the commissioners could sell the bonds for any sum which, by trafficking and exchanging, they could convert into their par value at home, without an infraction of the bank charter.

After the sale of the bonds the commissioners proceeded to convert the original funds received into the kinds, as fully shown by the accompanying account taken from the minutes of the bank, marked (A) and made a part of this report by which there was an apparent gain to the Bank of eighteen thousand eight hundred and thirty-nine 96-100 dollars. The question now arises, as to whether the power with which they were clothed, authorized the conversion of the credit in the N. A. Trust and Banking Company obtained for the bonds, into the funds paid over; or whether, as is alleged in the majority report, it was a direct and palpable violation of all the authority that could be derived from these instructions, and the resolution of the Central Board, notwithstanding the careful examination bestowed upon these instructions by the gentlemen who have already submitted a report without discovering in them any thing that could be construed into a justification of the course of the commissioners, in the exchange of the Eastern for the Southern and Western funds, we feel compelled to state, and we reluctantly make such issue with the gentlemen that they either did not give that attention to the subject which they profess to have done, or that they have aimed at conclusions unwarranted by the facts.

In defence of this position it would only be necessary to refer you to the instructions already quoted, which direct a disposition of the bonds, which would render the conversion of the money received for them into other funds absolutely necessary, in order, technically, to avoid a forfeiture of the bank's charter. But we do not rely, entirely upon this clause in the instructions to favour the justness of our conclusions, which is irrifectectably confirmed by the concluding part of the same letter, which is as follows:

"As heretofore you are again left to exercise your own discretion and judgment in all things connected with your mission, and with the hope that it may early terminate fovorably."

I have the honor, &c., in charity to the gentlemen who have made the report to which we have more than once referred, we will hope that those portions of the instructions to which we have called your attention in refutation of the charges made in that report have, until now, entirely escaped their observations. In the absence of every sense of right and of any disposition to do justice to the gentlemen whose conduct was the subject of their report, it is highly improbable that gentleman should manifest such an utter recklessness of character, as to declare in the face of those instructions, that the commissioners were, in the exchange of the funds, guilty of an "extraordinary departure from the legitimate scope of their instructions."

If, in the opinion of the commissioners, the conversion of the credit in the N. A. Trust and Banking Company, into the kind of funds paid to the bank, putting out of view the probable necessity of such a course from the character of the sale, was condusive to the interest of the bank, it requires no argument to prove that they were bound to every consideration of honor and of duty to do that which has been charged upon them as a dishorable breach of trust.

The insinuation, that the commissioners must have been benefitted by the transaction in a manner not disclosed to the bank or the country, and of course highly dishonorable to them, we consider a mere ebullition of political hostility, and bitter and implacable hatred which the author has uniformly manifested towards at least one of them.

It must be apparent to every rational understanding, not blinded by prejudice and personal animosity, that the commissioners did not transcend the powers with which they were invested by their instructions under the most rigid instructions that could be placed upon them, although under the instructions, we have already put the house in possession of their discretion and judgment were to be the sole guides by which their action was to be governed in all things connected with this bank mission. It may be proper to apprise you, that you may have a more full and correct idea of the character of their instructions their powers and the latitude allowed them, that they were authorized in the event of a less favorable negotiation than they accomplished to hypothecate one and one half millions of bonds for $250,000, which will appear by reference to instructions of same date, which after urging upon them the importance and necessity to the people of this State, of a speedy sale of the bonds, proceed to direct a consignment of the whole million and a half to Europe upon an inconsiderable advance more upon them in New York. They say "in the event of taking an advance you will endeavour to obtain the full amount of $500,000, contracting to deliver the remaining thousand in a reasonable time, making sufficient allowance for any probable delay, and conditioning the final payment of the $500,000 on their delivery." These are the instructions of the Central Board, and to that board only were the commissioners responsible.

The next enquiry is, "did the commissioners retain in their hands and appropriate to their own use the money of the bank, and if the amount so retained, how accounted for, &c., &c."

In reply, we would report that A. H. Sevier retained $14,300, to which he considered himself entitled as a stockholder in the bank. He paid to the bank interest and premium on the money retained, and as no dissatisfaction was expressed by the board when the settlement was made, it seems just to presume in the absence of any evidence to the contrary, that Col. Sevier would have paid over the entire amount due from him, had the requisition have been made upon him, (see Mr. Davies' letter marked B, hereto submitted.) We also find that Col. Williamson in settling with the engravers for the bank paid them part in cash, and the balance, which was $14,094 in his individual notes, for all of which received credit in his settlement with the bank, as appears from the accompanying accounts. There appears on the face of the act no evidence of a disposition on his part to conceal from the bank the manner in which he had settled with the engravers as he paid the bank interest on the amount for which he considered himself *individually* indulged by them. The engravers have since brought suit against the bank, and obtained judgment against her in the Pulaski circuit court. This judgment, however, has been ordered to be reversed by the supreme court, to which an appeal has been taken, and upon the final issue is to be determined whether Col. Williamson owes the bank or not.

It, also, appears that the sum of $9,050 was loaned to different individuals of this State, then in the city of New York, as we are informed upon the faith of certificates of deposit in the State Bank in this city, which was then paying specie. All of this the majority report declares unauthorized by the instructions, and a gross and glaring breach of trust, and good faith on the part of the commissioners.

While we will not defend the policy of such an use of the bank's money, it is hardly necessary to refute the charge of "breach of trust and good faith," to refer you again to their instructions which are so broad and comprehensive as to embrace within the scope almost any possible disposition of the funds which the mind can conceive of.

The employment of Mr. Corcoran by the commissioners to aid them in the negotiation of the bonds, is a subject upon which the author of the majority report has commented in a strain of and ill-nature, which leaves us to conclude that he was more ambitious of displaying to this House his ability as a satirist than of furnishing the information which it desired.

It might have been absolutely necessary to the accomplishment of the object of their mission, and was at least approved by the Central Board after their return to this State.

The Smithsonian Legacy was invested in State bonds upon the best terms proposed by the holders, and it was not for Mr. Woodbury who had charge of them to give the preference to the commissioners of any particular State: though Mr. Corcoran, we believe, the agents of of the Real Estate Bank of this State, ascertained the terms upon which other stocks would be offered and regulated their bids accordingly. Without calling to their aid the services of Mr. Corcoran, they in all probability would have failed in an enterprise upon the success of which the Central Board represented their very salvation to depend. Yet it has been argued by the majority to be an admission on the part of the commissioners of inadequency to the trust committed to them. Those gentlemen must know that under the system of stock jobbing, which has been practised to such a ruinous extent throughout the union for the last two years, that brokers have borne the most conspicious part in all transactions appertaining to that business.

For them to contend that a class of individuals somewhat distinguished for their shrewdness, and not necessarily more conversant with matters which they have made their study and profession, than gentlemen, however talented and sagacious, when time and labour had been employed in a different channel, would argue and "engorurance and stupidity," which we do not wish to impute to them.

Mr. Corcoran, we are credibly informed, is a gentleman of high standing and character, and enjoys a reputation for financial skill and ability equal to that of the great idol of bank worshippers himself. His position at the time, under secretary of the U. S. Treasury and confidential adviser of Mr. Woodbury, rendered his services and co-operation of peculiar value and importance to our commissioners.

We would venture the opinion that they saved the State from great loss and difficulty by preventing a hypothecation or assignment of the $150,000 of bonds for $500,000, which in a certain event, was authorized by the instructions of the Central Board. Thus you see that this most prudent and judicious investment of $5,000 of the bank's money has been perverted by the majority into a crime of the greatest magnitude, a stupendous fraud, a gross and palpable breach of trust.

The avidity with which the author of the report has seized upon any pretext of accusation, and vituperation against the commissioners shall not betray us into a recrimination to which he has so completely exposed himself. We believe that after a statement of the facts and the explanations we have made in relation to this subject, his ill-natured against the commissioners will either fall harmless at their feet or recoil upon himself.

In conclusion we are unwilling to deny that the commissioners may have been, in some instances guilty of errors, which no crime, too often subjects honest and virtuous men to calumnies of which it is more honorable to be the victim than the author.

A. RUST, *Chairman.*
A. G. MAYERS.

On motion of Mr. Humphrey, the House adjourned.

JANUARY 7TH, 1843.
Saturday morning, 9 *o'clock*.

The House met pursuant to adjournment.

Chaplain absent.

No petitions from counties were offered.

Reports from standing committees were in order.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled,

"An act requiring certain lands to be listed with the assessor of the proper county, for taxation;" also

"An act concerning judgments on delivery bonds."

On motion of Mr. Crutchfield, leave of absence was granted to the door keeper for one day.

Message from the Governor by his private Secretary, Mr. A. B. Greenwood, signifying his approval to the following acts:

"An act concerning the recording of titles to real estate:" approved 5th January, 1843.

"An act for the relief of John Malpass;" approved 5th January, 1843.

"An act to call in the scrip of Conway county:" approved 5th January, 1843.

"An act to call in the scrip of Clark county:" approved 5th January, 1843.

"An act for the relief of the estate of Hugh C. Hinton:" approved 5th January, 1843.

"An act allowing compensation to E. A. More, as one of the commissioners of the penitentiary:" approved 5th January, 1843.

"An act to alter and amend the 86th chapter of the Revised Statutes of this State, under the head of Justices of the peace:" approved 5th January, 1843.

"An act to authorise the county court of Scott, to order the records of the courts of said county to be removed from Boonville to Winfield and for other purposes:" approved 5th January, 1843.

"An act concerning forfeited lands:" approved 5th January, 1843.

Mr. Crutchfield, from the standing committee on internal improvements, on leave given,

Reported as follows:

The committee on internal improvements, to whom was referred the resolution of the House instructing said committee to enquire into, and ascertain as near as practicable, the quality of lands selected by the commissioners appointed by the Governor under the act of Congress, granting to the State of Arkansas 500,000 acres of land for the purpose of internal improvement, and also to ascertain how far such locations are binding upon the State, with or without the recognition of the General Assembly, or the Executive, have had the same under consideration, and have instructed me to submit the following report:

Owing to the large number composing your committee, it was deemed advisable for dispatch, to refer the subject matter of the resolution to a sub-committee, and the result of their labors, I now submit, by direction of the whole committee, as a response to the resolution. As to the first branch of the enquiry touching the quality of the lands selected, your committee regret that they have been enabled to procure very little other information than that reported by the agents, who made the selections; so far, however, as your committee are informed, the selections are of lands generally of good quality, particularly those made by Davis Thompson and Elliott Fletcher, which are well known and vouched for by one of your committee, the Hon. Peter G. Rieves. The necessity of replying to the latter branch of the resolution, how far such selections are binding upon the State, your committee respectfully submit, has been obviated by the action of the General Assembly in the passage of a bill, approved the 31st December, 1842, wherein the right of pre-emption is clearly conferred upon all settlers on any portion of these selected lands; thereby, in the opinion of your committee, evidently recognizing the validity of said selections, and their binding force on the State. Furthermore, this House has by the adoption of the resolution impliedly admitted the validity of these selections, and their binding force upon the State, by resolving and declaring that none of them should be raised. Your committee, however, will remark that from an investigation of this subject, it appears the Governor has made these selections in strict conformity to the two acts of Congress, the one granting the donation and the other authorising him to make the selections, and are clearly of opinion that said selections are valid and binding on the State. P. T. CRUTCHFIELD, *Chairman.*

Mr. Hanly, from the committee to whom was referred the bill entitled an act to sever the office of sheriff and collector, sheriff and assessor, sheriff and public administrator, on leave given,

Reported the same back to the House by substitute; which was read.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed

"An act to settle and liquidate the affairs of the Real Estate Bank of the State of Arkansas," which is herewith transmitted, and the assent of the House is invited thereto.

Mr. Gibson moved that the special report from the committee who were said to investigate into the sale of the 500 State bonds, to the Secretary of the Treasury of the United States, be adopted by the House, as read on the 17th of December, and called for the ayes and noes, and they were ordered, and the question decided in the affirmative by ayes 33 to noes 27.

The members voting in the affirmative are

Messrs. Arrington, Baines, Byers, Bateman, Burke, Collins, Campbell, Cocke, Calvert of St. Francis, Counts, Cline, Cook, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Marks, Martin of Franklin, Miller, McClain, Parks, Reeves of Crawford, Roberts, Robertson, Steuart of Desha, Tackett, and Thompson—33.

The members voting in the negative are

Messrs. Armstrong, Bizzell, Brazil, Blakemore, Crutchfield, Fancher, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwich, Hanly, Houston, Martin of Pulaski, Mayers, Milligan, Nott, Rieves of Crittenden, Roane, Rust, Stout, Scott, Vaughan, Waters, Wiley, and Mr. Speaker—27.

On motion of Mr. Hanly, the House adjourned.

JANUARY 9th, 1843.
Monday morning, 9 o'clock.

The House met pursuant to adjournment.

On motion of Mr. Greenwood, the usual order of business was dispensed with, and the orders of the day taken up.

The bill from the Senate entitled "an act to settle and liquidate the affairs of the Real Estate Bank of the State of Arkansas," was taken up and read a first time.

Mr. Gibson moved that Thursday next be appointed for the second reading of the bill, and that it be made the special order for that day, in committee of the whole;

Which motion was lost.

On motion of Mr. Mayers, the rules of the House were dispensed with, 41 to 18, and the bill read a second time.

Mr. Logan moved that the House resolve itself into committee of the whole on the bill.

Mr. Armstrong called for the ayes and noes, and they were ordered, and the question decided in the negative by ayes 26 to noes 37.

The members voting in the affirmative are

Messrs. Armstrong, Bizzell, Brazil, Campbell, Fancher, Gray, Gage, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Logan, Martin of Pulaski, Milligan, McClain, Reeves of Crawford, Stout, Scott, Tackett, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—26.

The members voting in the negative are

Messrs. Arrington, Baines, Byers, Bateman, Blakemore, Burke, Collins, Conway, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Haynes, Hanly, Llewellyn, Lemoyne, Marks, Martin of Franklin, Mayers, Miller, Nott, Peeler, Parks, Rieves of Crittenden, Roberts, Roane, Rust, and Steuart of Desha—37.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the joint memorial from the General Assembly, which originated in the House, and is addressed to the United States Congress, recommending the location of a naval depot and dock yard, at or near the city of Memphis, Tennessee;" which is herewith returned.

And the Senate have passed "an act to change the time of holding the general elections in this State," which is herewith transmitted, and assent of the House is asked.

Mr. Rieves of Crittenden, moved to refer the bill to a committee of nine, with instructions to report on Wednesday next.

Which motion was carried.

The Speaker appointed Messrs. Rieves of Crittenden, Hanly, Arrington, Cocke, Conway, Martin of Pulaski, Counts, Field, and Gibson.

On motion of Mr. Logan, the House resolved itself into committee of the whole on the bill entitled "an act to provide for the appraisment of property taken under execution."

Mr. Hanly in the chair.

After closing their deliberations on the bill, the committee arose.

The Speaker resumed his chair.

Mr. Hanly, chairman, reported the bill with amendments, recommending by instructions of the committee, the passage of the bill as amended.

On motion of Mr. Armstrong, the House adjourned.

JANUARY 10th, 1843.
Tuesday morning, 9 *o'clock.*

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as Chaplain.

Mr. Speaker presented a communication from his Excellency, the Governor, enclosing a report from the inspectors of the penitentiary, as follows:

EXECUTIVE DEPARTMENT,
Little Rock, 6 *January*, 1843.

To the Hon. the Speaker, and Gentlemen of the House of Representatives:

I have the honor herewith to enclose the report of the inspectors of the penitentiary for the years 1841 and 1842.

A. YELL.

Which report was read and will be found in the appendix of the printed journals.

Petitions from counties were declared in order.

Mr. Gaines of Scott, presented a petition from John Linton, praying that a law be enacted paying him the sum of one hundred dollars, being the amount of the reward offered by his Excellency for the apprehension of John H. Butram, for the murder of Tillman Keizer, which the Governor refuses to draw his warrant on the receipt of the sheriff of Van Buren county, for said Butram's apprehension, of which receipt said Linton is the holder; which was read and referred to a committee of three, consisting of

Messrs. Gaines of Scott, Counts, and Gray.

On motion of Mr. Calvert of St. Francis, leave was granted him to take away the papers accompanying the petition of James Halbert, sheriff of St. Francis county.

Mr. Collins, from the committee on public buildings, to whom was referred the petition of Mrs. Catharine Fagan, on leave given,

Reported that the committee deem it inexpedient to grant the request of the petitioner.

Mr. Armstrong, from the committee to whom was referred the petition of sundry citizens of Sevier county, praying that the Saline river in said county, be declared navigable, on leave given,

Reported by "bill declaring Saline river navigable;" which was read a first time, when

On motion of Mr. Armstrong, the rules were dispensed with 45 to 12, and the bill read a second and third time, when

On motion of Mr. Rust, was referred to a committee consisting of Messrs. Rust, Armstrong, Crutchfield, Conway, and Bizzell,

Mr. Cline, from the committee to whom was referred the bill entitled "an act to exempt the citizens of the corporation of Fayetteville from working upon roads and highways, on leave given,

Reported the same back to the House without amendment.

Mr. Finley, from the committee of conference, on part of the House, on the bill to survey and mark out the northern boundary line of this State, on leave given,

Reported that the committee have recommended that the Senate recede from their amendment of "*eight dollars*," and insert six in lieu, and recommend that the House agree to the said amendment.

On motion of Mr. Collins, the House adopted the report.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled, the memorial to Congress, recommending Memphis, Tennessee, as a suitable cite for a "naval depot and dock yard" correctly enrolled.

Mr. Crutchfield, from the committee to whom was referred the bill entitled "an act to prevent waste on the sixteenth sections," on leave given,

Reported the same back to the House without amendment.

The orders of the day were now taken up.

The resolution of the Senate requiring the Secretary of State to furnish the counties of Union and Bradley with their number of copies of the Revised Statutes," was taken up and read a first time.

On motion of Mr. Marks, the rules of the House were dispensed with, 43 to 12, and the resolution read a second time.

Mr. Rust amended by adding "Ouachita."

Mr. Mayers amended by adding Montgomery, Fulton, and Newton counties.

The resolution was now read a third time upon its final passage, and passed, and was transmitted to the Senate whence it originated.

The resolution from the Senate authorizing the Governor to publish an abstract of the "act for the benefit of such persons as have settled on, or have made improvements on the public lands in this State, and also for such persons as may hereafter settle on or improve any of said lands," and that the expenses of such publication be paid out of the contingent fund; was taken up and read a first time.

On motion of Mr. Rust, the bill to provide for the appraisment of property taken under execution," was taken up and read, and the amendments from the committee of the whole of yesterday, were adopted.

Mr. Lemoyne amended by striking out part of the ninth section; several other amendments were offered by

Messrs. Hanly, Martin of Franklin, and Counts.

Mr. Mayers would amend by adding section fourteen, and called for the ayes and noes, and they were ordered, and the question stated and the amendment was adopted by ayes 36 to noes 26.

The members voting in the affirmative are

Messrs. Arrington, Armstrong, Baines, Bizzell, Brazil, Conway, Campbell, Cline, Cook, Field, Fancher, Flangan, Gaines of Scott, Gray, Gage, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Lemoyne, Logan, Marks, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Parks, Reeves of Crawford, Roane, Rust, Tackett, Thompson, and Vaughan—36.

The members voting in the negative are

Messrs. Byers, Bateman, Blakemore, Burke, Collins, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Finley, Gibson, Gaines of Chicot, Greenwood, Hanly, Johnson, Llewellyn, Martin of Pulaski, Peeler, Rieves of Crittenden, Steaurt of Desha, Stout, Scott, Waters, Wiley, and Mr. Speaker—26.

So the amendment was adopted.

Mr. Arrington amended the last line in the 14th section, by adding after the word officer, "sued on any official bond or to any security or securities for any of the above specified individuals."

Mr. Conway amended the first section by striking out the words, "which shall hereafter issue."

Mr. Rust amended by adding to the section.

Message from the Governor by his private secretary, A. B. Greenwood:

Signifying his approval of "an act requiring certain lands to be listed with the assessor of the proper counties for taxation," approved January the 7th, 1843.

Also, "an act concerning judgments on delivery bonds," approved 7th January, 1843.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have concurred in the amendment of the House to "an act for the relief of Henry A. Engles, late sheriff of Independence county," which is herewith returned.

I am also instructed to inform your honorable body that the Senate recommend to the House of Representatives to concur in the amendment of the Senate to the "act to survey and mark out the northern boundary line of this State," with an amendment as follows: "strike out in the 1st line of the 4th section, the word *eight*, and insert *six*," and said act is herewith returned.

The Senate have assented to the following bills from the House:

"An act in relation to attorneys for the State."

"An act for the relief of James B. Russell, executor of the last will and testament of Geo. Russell, deceased," which are herewith returned.

Mr. Gaines of Scott, called for the previous question, on the final passage, which was sustained.

Mr. Miller called for the ayes and noes, and they were ordered, and the question was put and decided in the affirmative, by ayes 37 to noes 26.

The members voting in the affirmative are

Messrs. Arrington, Baines, Bateman, Brazil, Blakemore, Burke, Conway, Cocke, Calvert of Saline, Cline, Cook, Field, Fancher, Gaines of Scott, Gray, Haynes, Humphrey, Hanly, Houston, Llewellyn, Lemoyne, Logan, Marks, Martin of Franklin, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Roane, Rust, Stout, Scott, Tackett, and Thompson—37.

The members voting in the negative are

Messrs. Armstrong, Byers, Bzzell, Collins, Campbell, Crutchfield, Calvert of St. Francis, Counts, Flanagan, Finley, Gibson, Gaines of Chicot, Gage, Greenwood, Hardwick, Jeffrey, Johnson, Martin of Pulaski, Mayers, Rieves of Crittenden, Roberts, Steuart of Desha, Vaughan, Waters, Wiley, and Mr. Speaker—26.

On motion of Mr. Hanly, the House adjourned.

JANUARY 11th, 1843.
Wednesday morning, 9 o'clock.

The House met pursuant to adjournment.

Petitions from counties were declared in order.

None were offered.

Reports from standing committees were in order.

Mr. Miller, from the standing committee on militia, on leave given,

Reported a bill entitled "an act for the better organization of the militia of this State."

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled "an act for the relief of Henry A. Engles."

Also, "an act for the relief of James B. Russell, executor of the last will and testament of Geo. Russell, deceased," and

Also, "an act in relation to attorneys for the State."

Mr. Scott of Sevier, from the committee on counties and county lines, to whom was referred the petition of sundry citizens of Pulaski county, asking for a change in the line between the counties of Pulaski and White, on leave given,

Reported by bill entitled "an act to change the line between the counties of Pulaski and White."

Mr. Collins, from the committee on public buildings, to whom was referred the memorial of C. L. Jeffries, to this General Assembly, praying for compensation as architect of the Penitentiary, claiming equal allowance as has been made for his services as commissioner, on leave given,

Reported that the committee deem it inexpedient to grant the request of the petitioner.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have concurred in the amendment of the House to the bill from the Senate entitled "an act to repeal the 8th section of an act entitled an act defining the judicial circuits of this State, and prescribing the time of holding the courts therein, and for other purposes."

Mr. Martin of Pulaski, from the committee to whom was referred the bill entitled " an act to repeal a part of an act to extend the powers of the Mayor and Aldermen of the city of Little Rock," approved December 21st, 1840, on leave given,

Reported by substitute for the original bill.

Message from the Governor by his private Secretary, Mr. A. B. Greenwood, signifying his approval of a memorial to Congress, recommending Memphis, Tennessee, as a proper cite for a naval depot and dock yard," approved 11th Jannary, 1843.

Mr. Tackett, from the select committee to whom was referred the bill for the relief of John O. Young, sheriff and collector of Van Buren county, on leave given,

Reported the same back to the House without amendment.

Mr. Rieves of Crittenden, from the committee to whom was referred the bill entitled "an act to put the Real Estate Bank into liquidation, on leave given,

Reported progress and asked leave to continue their investigation.

On motion of Mr. Collins, further time was granted said committee to make their report.

Mr. Roane was called to the chair, and leave of absence was granted Mr. Oldham for one day.

On motion of Mr. Greenwood, the orders of the day were taken up.

The bill of the House entitled "an act to amend the Statutes concerning roads and highways," was taken up and read a third time and was rejected.

The bill from the House entitled "an act to repeal the 11th section of the 94th chapter of the Revised Statutes," was taken up and the amendment from Senate was read and adopted.

The bill of the House entitled "an act to call in the scrip of Pope county," was taken up and the amendment of the Senate agreed to, and the Senate informed thereof by message.

The bill of the Senate entitled "an act to prevent waste on the sixteenth sections," was taken up and read a third time and passed, and returned to the Senate.

The bill of the House entitled "an act to exempt the citizens of the corporation of Fayetteville from work upon roads and highways," was taken up and read a third time.

Mr. Lemoyne moved to lay the bill on the table till the 4th July next, which was carried.

The bill of the Senate entitled "an act to change the time of holding elections in this State," was taken up and read a first time.

Mr. Flanagan moved to lay the bill on the table till July next.

Mr. Greenwood called for the ayes and noes, and they were ordered, and the question decided in the affirmative, by ayes 31 to noes 28.

The members voting in the affirmative are

Messrs. Arrington, Byers, Bateman, Burke, Collins, Campbell, Crutchfield, Calvert of St. Francis, Counts, Cook, Field, Flangan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Haynes, Hanly, Llewellyn, Lemoyne, Marks, Nott, Peeler, Parks, Rieves of Crittenden, Roberts, Roane, Rust, Thompson, and Waters—31.

The members voting in the negative are

Messrs. Armstrong, Baines, Bizzell, Blakemore, Calvert of Saline, Cline, Fancher, Gage, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Logan, Martin of Franklin, Mayers, Miller, Milligan, McClain, Reeves of Crawford, Steuart of Desha, Stout, Scott, Tackett, Vaughan, and Wiley—28.

So the bill was laid on the table.

The resolution of the Senate requiring the Governor to publish an abstract of the land bill, was taken up and read a second time, and

On motion of Mr. Greenwood, was laid on the table till the 4th March next.

The bill entitled "an act to sever the office of sheriff and assessor, and sheriff and public administrator, and prescribing the manner in which said offices shall hereafter be filled," was taken up and read a second time.

Messrs. Lemoyne and Logan, offered to amend several parts of the bill, which was lost.

Mr. Hanly moved to dispense with the rules that the bill might pass to a third reading, which was lost.

The memorial of the Senate to the Congress of the United States, praying for more defences on the western border of the State, was taken up and read a second time.

The bill entitled "an act to incorporate the Lafayette Academy," was taken up and read a second time, and

On motion of Mr. Gaines of Scott, the rules were dispensed with, 37 to 10, and the bill read a third time, and passed, and was transmitted to the Senate for their assent.

On motion of Mr. Cline, leave of absence was granted Mr. Tackett of Pope, on account of his ill health.

The bill to provide for the sale of the sixteenth sections, in township No. 8 N., of range No. 20 W., and for other purposes," was taken up and read a second time, and

On motion of Mr. Baines, the rules were dispensed with, 34 to 11, and the bill read a third time, and lost.

The bill entitled "an act to repeal 'an act entitled an act to repeal the 39th, 41st, 42d, and 45th sections of the 60th chapter in the Revised Statutes," was taken up and read a second time, and

On motion of Mr. Lemoyne, was referred to a committee of three, consisting of

Messrs. Lemoyne, Collins, and Greenwood.

On motion of Mr. Logan, the rules of the House were dispensed with, 40 to 12, and the House adjourned.

JANUARY 12th, 1843.
Thursday morning, 9 *o'clock.*

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

Petitions from counties were declared in order.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled, "an act to survey and mark out the northern boundary line of the State of Arkansas."

Mr. Collins, from the committee on public buildings to whom the petition of John Morris, asking for compensation for the admeasurement of the carpenters' work on the public buildings, on leave given,

Reported that the committee deem it inexpedient to grant the request of the petitioner.

Mr. Rieves of Crittenden, from the select committee to whom was referred the bill entitled "an act to put the Real Estate Bank in liquidation," on leave given,

Reported as follows:

The select committee to which was referred the bill of the Senate entitled an act to place the Real Estate Bank in a state of liquidation, have had the same under consideration, and instruct me, as chairman, to report:

It is the unanimous opinion of the committee, that the chairman report to the House, that it is inexpedient to pass the bill from the Senate to wind up the Real Estate Bank. That to do so would be a legal extinguishment of all the debts due to, and owing by said corporation; and further, that he ask leave for further time to prepare a new bill, or append such amendments thereto, as will remedy the objections, which exist against it.

PETER G. RIEVES, of Crittenden,
Chairman of the Committee.

Mr. Hanly moved that the committee have further time granted, that they may continue their investigation, and report more fully, and called for the ayes and noes on the motion, and they were ordered, and the question decided in the negative by ayes 26 to noes 34.

The members voting in the affirmative are

Messrs. Byers, Bateman, Blakemore, Burke, Conway, Collins, Campbell, Crutchfield, Counts, Cline, Cook, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Hanly, Llewellyn, Martin of Pulaski, Martin of Franklin, McClain, Nott, Parks, Rieves of Crittenden, and Roberts—26.

The members voting in the negative are—

Messrs. Armstrong, Baines, Bizzell, Brazil, Calvert of Saline, Calvert of St. Francis, Fancher, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Lemoyne, Logan, Marks, Mayers, Miller, Milligan, Peeler, Reeves of Crawford, Roane, Rust, Steuart of Desha, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Speaker—34.

On motion of Mr. Gibson, the Chairman of said committee obtained leave to return the bill to the possession of the House.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed "an act to call the scrip of Saline county."

"An act to repeal the 2d and 3d sections of chapter 117 of the Revised Statutes of this State."

"An act to amend the 106th chapter of the Revised Statutes, under the head of official oaths."

All of which is herewith transmitted, and the assent of the House asked.

The Senate have concurred in the amendment of the House to the joint resolution from the Senate, requiring the Secretary of State to furnish the counties of Union and Bradley with their quotas of the Revised Statutes, &c.

The Senate have passed "an act to amend the chapter of the Revised Statutes, title, Criminal Proceedings."

"An act in amendment of the act relating to tax titles, as contained in chapter 149 of the Revised Statutes;" both of which are herewith transmitted, and the assent of the House asked thereto.

On motion of Mr. Peeler, the orders of the day were taken up.

The bill of the Senate entitled "an act to suppress the practice of betting at elections," was taken up and read.

On motion of Mr. Parks, the bill was laid on the table till 4th July next.

The bill from the Senate entitled "an act amendatory to an act in the 99th chapter of the Revised Statutes, concernig *Mills* and *Millers*," was taken up and read a second time.

On motion of Mr. Greenwood, was laid on the table till the 4th of March next.

The bill from the Senate entitled "an act to attach part of the county of Desha to the county of Bradley," was taken up and read a second time, and

On motion of Mr. Steuart of Desha, was laid on the table till the 4th of March next.

The bill of the House entitled "an act to repeal an act to amend the law in relation to gaming," was taken up and read a second time.

Mr. Milligan moved to lay the bill on the table till 4th March.

Which motion was lost.

On motion of Mr. Flanagan, the bill was referred to a select committee, consisting of

Messrs. Mayers, Flanagan, Logan, Byers, and Gaines of Scott.

The bill of the House concerning the lien of mechanics, was taken up, and

On motion of Mr. Crutchfield, was referred to a committee of three, consisting of

Messrs. Crutchfield, Collins and Counts.

The bill entitled "an act to improve the navigation of Little Missouri river," was taken up and read a third time; and

On motion of Mr. Steuart of Desha, was laid on the table till 4th March next.

The bill of the House entitled "an act declaring the Pettit Jean a navigable stream," was taken up, and

Mr. Parks amended the third section, when the rules were dispensed with, 42 to 11, and read a third time and passed, and was transmitted to the Senate for their assent.

The bill entitled "an act concerning roads and highways," was taken up and read a second time.

On motion of Mr. Greenwood, was laid on the table till 4th July next.

The bill from the Senate entitled "an act to authorise Joseph H. Egner, guardian of James Dewitt Clinton Kelly, to sell certain property," was taken up and read a second time.

On motion of Mr. Byers, the rules were dispensed with, 46 to 8, and the bill was read a third time and passed, and was returned to the Senate.

On motion of Mr. Greenwood, leave of absence was granted Mr. Arrington for one day.

The bill of the House entitled "an act to authorise Samuel M. Hayes to collect certain taxes," was taken up and read a second time.

On motion of Mr. Logan, the rules were dispensed with, 47 to 4, and the bill read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the House entitled "an act for the relief of James Abrams, sheriff of Lafayette county," was taken up and read a second time.

On motion of Mr. Nott, the rules were dispensed with, 48 to 3, and the bill read a third time and passed, and was transmitted to the Senate for their assent thereto.

Message from the Governor by his private Secretary, Mr. A. B. Greenwood, signifying the Executive's approval of "an act for the relief of James B. Russell, executor of the last will and testament of Geo. Russell, dec'd:" approved 12th January, 1843.

And "an act for the relief of Henry A. Engles, late sheriff of Independence county:" approved 12th January, 1843.

The bill of the House entitled "an act to amend the 91st chapter of the Revised Statutes," was taken up and read a second time; and

On motion of Mr. Counts, was referred to the committee on the judiciary.

The bill of the House entitled "an act supplementary to the laws of the State amending limitations of actions," was taken up and read a second time.

On motion of Mr. Llewellyn, was referred to the committee on the judiciary.

The bill of the House entitled "an act supplementary to the provisions of the Revised Statutes, concerning practice at law," was taken up and read a second time, and

On motion of Mr. Llewellyn, was referred to the committee on the judiciary.

The bill of the House entitled "an act to repeal the 11th section of the 91st chapter of the Revised Statutes," was taken up and read a second time, and

On motion of Mr. Logan, was laid on the table indefinitely.

The bill of the House entitled "an act to suppress affrays, and for other purposes," was taken up and read a second time.

On motion of Mr. Peeler, was laid on the table till 4th July next.

The bill of the House entitled "an act to legalize the location of the county seat of Pope county, and all the proceedings of the several courts held thereat," was taken up and read a second time, and

On motion of Mr. Logan, was referred to a select committee, consisting of

Messrs. Conway, Logan, and Gaines of Scott.

The bill of the House entitled "an act to repeal the 13th section of the 8th division of the 44th chapter of the Revised Statutes," was taken up and read a second time, and

On motion of Mr. Counts, was laid on the table till 4th July next.

The bill of the Senate entitled "an act amendatory of the 62d chapter of the Revised Statutes," was taken up and read a second time, and

On motion of Mr. Collins, was referred to a select committee, consisting of

Messrs. Collins, Greenwood, and McClain.

The bill of the House entitled "an act to authorise the county courts of the several counties in this State, to appoint assessors for their respective counties," was taken up and read a second time, and

On motion of Mr. Llewellyn, was laid on the table till 4th July next.

The bill of the House entitled "an act providing for cancelling and renewing of county scrip," was taken up and read a second time.

On motion Mr. Martin of Pulaski, was laid on the table indefinitely.

The bill from the Senate entitled "an act relating to the overseers of roads in the State of Arkansas," was taken up and read a second time.

On motion of Mr. Peeler, the rules were dispensed with, 41 to 10, and the bill read a third time.

On motion of Mr. Crutchfield, was referred to a committee of three, consisting of

Messrs. Crutchfield, Logan, and Peeler.

The bill from the Senate entitled "an act to authorise the Judges of the Circuit Courts of this State to exchange Circuits, and hold courts for each other," was taken up and read a second time.

On motion of Mr. Conway, was referred to a committee consisting of

Messrs. Conway, Gaines of Scott, McClain, and Greenwood.

The bill entitled "an act declaring White river navigable for steam boats, to the Missouri line, and for keel and flat boats to the three forks," was taken up and read a second time, and amended by Mr. Greenwood.

On motion of Mr. Humphrey, the House adjourned.

JANUARY 13th, 1843.
Friday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled, "an act to repeal the 11th section of the 94th chapter of the Revised Statutes."

Also "an act to call in the scrip of Pope county," and that on the 11th instant he had presented to the Governor for the Executive's approval and signature, "an act in relation to attorneys for the State."

No reports from select committees.

On leave, Mr. Conway introduced a bill to be entitled "an act to amend the 33d chapter of the Revised Statutes."

Which was read a first time.

On motion of Mr. Conway, the rules were dispensed with, 49 to 5, and the bill read a second and third time and passed, and was transmitted to the Senate for their assent.

On motion of Mr. Humphrey, the orders of the day were taken up.

On motion of Mr. Gray, the House resolved itself into committee of the whole on the bill entitled "an act to put the Real Estate Bank into liquidation."

Mr. Greenwood in the Chair.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House entitled "an act to amend the 33d chapter of the Revised Statutes," which is herewith returned.

The committee now rose, and the Speaker resumed his Chair, reported progress upon their investigations, and asked leave to sit again.

Message from the Governor by his private Secretary, signifying the Executive's approval of "an act to survey and mark out the northern boundary line of this State:" approved 12th January, 1843.

Also a communication from his Excellency by his private Secretary, L. J. Reardon; which was not read.

On leave given, Mr. Greenwood, from the committee on enrollments, reported correctly enrolled, "an act entitled 'an act to amend the 33d chapter of the Revised Statutes.' "

On motion of Mr. Rust, the House adjourned.

January 14th, 1843.
Saturday morning, 9 *o'clock*.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

On motion of Mr. Rieves of Crittenden, the orders of the day were taken up.

On motion of Mr. Rieves of Crittenden, the House resolved itself into committee of the whole, on the bill to put the affairs of the Real Estate Bank into liquidation.

Mr. Greenwood in the Chair.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act prescribing the time of holding the Circuit Courts for the seventh Judicial Circuit."

Also "an act supplementary and explanatory of an act more fully to define the line between the counties of Carroll and Madison:" approved 11th January, 1843.

Also "a bill to be entitled 'an act allowing compensation to the agents appointed by the Governor to select and locate a portion of the 500,000 acres of land, donated by Congress to the State of Arkansas."

All which are herewith transmitted, and the assent of the House is asked thereto.

The Senate have also passed a resolution instructing the Secretary of State to furnish to each of the Judges of the Supreme Court of this State, a complete copy of all published decisions of the Supreme Court of said State.

To which the concurrence of the House is asked.

The Senate have assented to the bills from the House entitled "An act to incorporate the Lafayette Academy," and

"An act to authorise Samuel M. Hayes to collect certain taxes."

Also "an act to extend the charter granted to Frederick Fletcher in his life time, by an act passed by the General Assembly of the Territory of Arkansas," approved 21st October, 1831, which are herewith returned.

The committee now arose, and

The Speaker now resumed his chair at 2 o'clock, P. M.

Message from the Governor by his private Secretary, Mr. A. B. Greenwood, signifying the Executive's approval of "an act to call in the scrip of Pope county," approved 14th January, 1843.

And "an act to repeal the 11th section of the 94th chapter of the Revised Statutes," approved 14th January, 1843.

On motion of Mr. Peeler, the House adjourned.

JANUARY 16th, 1843.
Monday morning, 9 *o'clock*.

The House met pursuant to adjournment.

The Speaker read the resignation of the Hon. John H. Marks, which is as follows:

LITTLE ROCK,
14*th January*, 1843.

To the Honorable the Speaker of the House of Representatives:

Sir: You will please accept this, my resignation of a seat in the honorable body over which you have the honor to preside.

The illness of my family precludes my longer continuance at a session already prolonged to an unexpected and unusual length.

Accept, sir, for yourself, and in behalf of the honorable members, the regard of Your ob't serv't,

JOHN H. MARKS.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled "an act to incorporate the Lafayette Academy," and

"An act to extend a charter to Mary Fletcher for the purpose of erecting a bridge across Point Pemove creek," and also

"An act to authorise Samuel M. Hayes to collect certain taxes."

On motion of Mr. Hardwick, leave of absence was granted Mr. Milligan.

The orders of the day were now taken up.

The bill from the Senate entitled "an act supplementary to and explanatory of "an act more fully to define the line between the counties of Carroll and Madison," approved 11th day of January, 1843, was taken up and read a first time, and

On motion of Mr. Greenwood, the rules were dispensed with, 37 to 12, and the bill read a second and third time, and passed, and was transmitted to the Senate whence it originated.

The joint resolution of the Senate, as follows:

Be it resolved by the General Assembly of the State of Arkansas, That the Secretary of State be, and he is hereby instructed to furnish to each of the judges of the supreme court of this State a complete copy of all published decisions of the supreme court of this State, was taken up and read a first time.

The bill from the Senate entitled "an act allowing compensation to locating agents," was taken up and read, and

On motion of Mr. Humphrey, the rules were dispensed with, 31 to 14, and the bill read a second time.

On motion of Mr. Collins, was referred to a select committee, consisting of

Messrs. Collins, Calvert of Saline, Gibson, and Martin of Pulaski.

The bill entitled "an act to repeal the 2nd and 3rd sections of the 117th chapter of the Revised Statutes," was taken up and read a first time, and

On motion of Mr. Lemoyne, was rejected.

The bill from the Senate, entitled "an act in amendment of the act relating to tax titles as contained in chapter 149 of the Revised Statutes," was taken up and read a first time, and ordered to a second reading.

On motion of Mr. Logan, the House now resolved into a committee of the whole on the bill entitled "an act to put into liquidation the affairs of the Real Estate Bank."

Mr. Greenwood in the chair.

At half past 12 o'clock, the committee arose, and the chairman reported progress, and asked leave to sit again.

On motion of Mr. Roane, the House met pursuant to order.

On motion of Mr. Mayers, the House resolved itself into committee of the whole again on the bank bill.

Mr. Greenwood in the chair.

At 4 o'clock, P. M., the committee arose, and the chairman reported progress, and asked leave to sit again to-morrow.

On motion of Mr. Haynes, the House adjourned.

JANUARY 17TH, 1843.
Tuesday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as Chaplain.

Mr. Gaines, from the committee to whom was referred the petition of John Linton on January 10, on leave given,

Reported as follows:

The select committee to whom the petition of John Linton, of Johnson county, was referred, asking for an appropriation of one hundred dollars as assignee on a receipt of the sheriff of Van Buren county, to one Samuel B. Jaslin, for the apprehension of one John H. Butram, charged with the murder of one Tilmon Keyser, which claim is set up against the State on account of the proclamation of the executive of the State, offering a reward of one hundred dollars for the apprehension of said Butram, have duly considered the matter, and are of the opinion that the same should not be allowed on account of collusion which is believed to have existed between the murderer and said Linton, in order to obtain the reward, and have instructed me to report against any relief to the petitioner.

GAINES of Scott, *Chairman.*

Mr. Hanly, from the committee to whom was referred the resolution of this General Assembly, proposing an amendment to the 15th section of article 6, of the Constitution of the State of Arkansas, title *Judicial Department*, also of the 1st section, title *Establishment of Banks*, on leave given,

Reported the same back to the House with amendment.

Mr. Gibson moved to lay the resolution on the table till the House should agree to take it up for action, which motion was lost, when

Mr. Gibson moved to take up the orders of the day.

The Speaker decided the motion out of order.

Mr. Gibson appealed to the House from the decision of the chair, when the chair was sustained by the House.

When upon the question being put upon the agreement to the amendment recommended by the committee, and the amendment was adopted.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed a bill to be entitled "an act to place the Bank of the State of Arkansas in liquidation."

Also "an act to establish a system of common schools in the State of Arkansas;" and

Also "an act concerning the pay of the members of the present General Assembly," which are herewith returned, and the assent of the House asked.

The Senate have assented to the bill from House entitled "an act to authorise the administrator of Daniel Greathouse, deceased, to sell Real Estate," which is herewith returned.

The Senate have also assented to the bill from the House entitled "an act declaring the Petit Jean a navigable stream;" which is herewith returned.

The Senate have adopted a preamble and series of joint resolutions setting forth and remonstrating against the past action of Congress, and of the legislatures of other States in the Union upon the subject of the public lands belonging to the National Domain of the United States," which is herewith transmitted, and the concurrence of the House is asked.

The Senate have also concurred in the joint memorial from the House, addressed to Congress in relation to the 16 sections or school lands," which is herewith returned to your honorable body.

The Senate have also passed "an act to incorporate the Benton Academy."

"An act for the relief of Samuel Adams;" and

"An act to distribute to the several counties of this State, copies of documents Legislative and Executive of the Congress of the United States, in relation to public lands," all which are herewith transmitted, and the assent of the House is requested thereto.

The Senate have also adopted a preamble and joint resolution, instructing our Senators, and requesting our Representative in Congress, to procure the passage of a law of Congress, appropriating all the unsold lands in the county of Chicot, which have heretofore been offered for sale by the United States, and which remain unappropriated, to raise a fund for the completion of levees along the bank of the Mississippi river."

The report of the select committee to whom said joint resolution was referred, is, by order of the Senate, appended thereto, and herewith transmitted, and the House is invited to concur in said resolution, &c.

On motion of Mr. Gray, the orders of the day were taken up, and the House again resolved itself into committee of the whole on the bill from the Senate entitled "an act to put the affairs of the Real Estate Bank into liquidation."

Mr. Greenwood in the chair.

At 10 minutes past 1 o'clock, the committee arose.

The Speaker resumed his Chair, and Mr. Chairman roported progress, and asked leave to sit again.

On motion of Mr. Gaines of Scott, the House went into recess until half past 2 o'clock.

Half past 2 o'clock, P. M.

The House convened pursuant to order.

On motion of Mr. Field, the House again went into committee of the whole, on the Real Estate Bank bill.

Mr. Greenwood in the chair.

At 10 minutes past 5 o'clock, the committee arose, and Mr. Chairman reported progress, and asked leave to sit again to-morrow.

On motion of Mr. Llewellyn, the House adjourned.

JANUARY 18th, 1843.

Wednesday morning, 9 o'clock.

The House met pursuant to adjournment.

Message from the Governor by his private secretary, A. B. Greenwood, Esq. signifying the Executive's approval of "an act to authorise Samuel M. Hayes to collect certain taxes:" approved 16th January, 1843.

"An act to extend the charter granted to Fredrick Fletcher:" approved 16th January, 1843."

Also "an act to incorporate the Lafayette Academy:" approved the 16th January, 1843.

Mr. Martin of Pulaski, presented a petition from sundry citizens of Pulaski county, praying for a division of said county, and also a remonstrance from sundry other citizens of said county against said proposed division, which were read, and

On motion of Mr. Martin of Pulaski, was referred to the standing committee on counties and county lines.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled, the following bills:

"An act declaring the Pettit Jean a navigable stream, and "an act to authorise the administrator of the estate of Daniel Greathouse, deceased, to sell real estate."

And a memorial to Congress relative to the 16th sections or school lands."

Mr. Collins, from the committee to whom was referred the Senate's bill, to be entitled "an act amendatory of the 62d chapter of the Revised Statutes," on leave given,

Reported that the committee deem it unnecessary to pass the bill, and recommend its rejection.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed the following entitled bills, to wit:

"An act amendatory to the 39th chapter of the Revised Statutes, title, County Seats."

"An act amendatory of the Criminal Code."

And "an act amendatory to an act to incorporate the Napoleon public school and church;" all which are herewith transmitted, and the assent of the House is asked thereto.

The Senate have also adopted a joint resolution proposing the adjournment of this General Assembly, on Friday the 27th day of January, 1843; which is herewith transmitted, and the concurrence of the House is requested thereto.

The Senate have assented to the bill from the House entitled "an act to prohibit the emigration and settlement of free negroes, or free persons of color into this State; which is herewith returned.

Mr. Logan, from the committee to whom was referred the bill of Senate entitled "an act relating to overseers of roads in the State of Arkansas, on leave given,

Reported the bill by substitute.

On motion of Mr. Greenwood, the orders of the day were taken up.

The resolution proposing amendments to the constitution of this

State, in the 15th section of article 6th, title, *Judiciary Department*, and the article establishing banks, &c., was taken up and read on its final passage.

Mr. Gaines of Scott, called for the ayes and noes, and they were ordered, and the resolution passed by ayes 53 to noes 1.

The members voting in the affirmative are

Messrs. Arrington, Armstrong, Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Burke, Conway, Collins, Campbell, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Flanagan, Finley, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Roane, Rust, Stewar, of Clark, Steuart of Desha, Stout, Scott, Thompson, Vaughan Waters, Wiley, and Mr. Speaker—53.

The members voting negatively are

Mr. Nott—1.

On motion of Mr. Gaines of Scott, the House again resolved itself into committee of the whole, on the bill to put the Real Estate Bank into liquidation.

Mr. Greenwood in the chair.

At 10 minutes past one o'clock, the committee arose, and the Speaker resumed the chair, and the chairman reported progress, and asked leave to sit again.

On motion of Mr. Gaines of Scott, the House went into recess till half past 2 o'clock, P. M.

Evening session, half past 2 o'clock, the House again convened pursuant to order.

On motion of Mr. Gaines of Scott, the House again resolved itself into committee of the whole, on the Real Estate Bank bill.

Mr. Greenwood in the chair.

At 20 minutes past 5 o'clock, P. M., the committee arose.

The Speaker resumed his chair, and Mr. Chairman reported progress, and asked leave to sit again to-morrow.

On motion of Mr. Martin of Pulaski, the House adjourned.

JANUARY 19th, 1843.
Thursday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as Chaplain.

On motion of Mr. Roberts, ordered that his name be recorded in favor of the passage of the resolution amendatory of the 15th section of the 6th article of the constitution of this State.

Mr. Collins, from the select committee to whom was referred the bill allowing compensation to locating agents appointed by the Governor to select and locate a portion of the 500,000 acres of land, donated by Congress to the State of Arkansas, on leave given,

Reported the same with several amendments; which were adopted.

On motion of Mr. Gaines of Scott, the orders of the day were taken up.

The resolution of the House, proposing an amendment to the 29th section, article 4 of the constitution of the State of Arkansas," was taken up and read a second time.

On motion of Mr. Gaines of Scott, the House resolved itself into a committee of the whole, on the bill putting the Real Estate Bank into liquidation.

Mr. Greenwood in the chair.

The Speaker now resumed the chair, and the chairman reported the bill back to the House without amendment.

Mr. Arrington offered a substitute to the original bill, and called for the ayes and noes, and they were ordered, and the question decided by ayes 21 to noes 39.

The members voting in the affirmative are

Messrs. Arrington, Byers, Bateman, Burke, Collins, Campbell, Counts, Cline, Finley, Gibson, Gaines of Chicot, Johnson, Llewellin, Martin of Pulaski, McClain, Nott, Parks, Roberts, Steuart of Desha, Thompson, and Waters—21.

The members voting in the negative are

Messrs. Armstrong, Baines, Bizzell, Brazil, Blakemore, Conway, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Field, Fancher, Flanagan, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Lemoyne, Logan, Mayers, Miller, Milligan, Peeler, Reeves of Crawford, Rieves of Crittenden, Roane, Rust, Stewart of Clark, Stout, Scott, Vaughan, Wiley, and Mr. Speaker—39.

So the substitute was not accepted.

Mr. Arrington moved to have his substitute printed.

Mr. Armstrong called for the ayes and noes, and they were ordered, and the question decided in the affirmative by ayes 41 noes 21.

The members voting in the affirmative are

Messrs. Arrington, Baines, Byers, Bateman, Bizzell, Burke, Conway, Collins, Campbell, Crutchfield, Cocke, Calvert of Saline, Counts, Cline, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Haynes, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Miller, McClain, Nott, Parks, Rieves of Crittenden, Roberts, Roane, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Thompson, Waters, and Mr. Speaker—41.

The members voting negatively are

Messrs. Armstrong, Brazil, Blakemore, Calvert of St. Francis, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Mayers, Milligan, Peeler, Reeves of Crawford, Scott, Vaughan, Wiley—21.

So the substitute was ordered to be printed in the appendix of the printed journals.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following entitled bills:

"An act amendatory to the 80th chapter of the Revised Statutes."

"An act for the compensation of the Clerks of the county courts."

And "an act in relation to Sheriffs;" all which are herewith transmitted, and the assent of the House is asked thereto.

The Senate have assented to the bill from the House entitled "an act for the relief of James Abrams, sheriff of Lafayette county," which is herewith returned.

The Senate have adopted a joint resolution instructing the Secretary of State to furnish to each member of the General Assembly a copy of the decisions of the Supreme Court, and a copy of the Revised Statutes, if they may require it." Which is herewith transmitted, and the concurrence of your honorable body is invited thereto.

On montion of Mr. Martin of Franklin, ordered that his vote be recorded against Mr. Arrington's substitute.

On motion of Mr. Crutchfield, ordered that the bill entitled "an act to put the affairs of the Real Estate Bank into liquidation," be printed in the appendix of the journals.

Mr. Field moved that a committee of five be raised by ballot to take the bill into consideration, which were ordered, and the House appointed by ballot,

Messrs. Cocke, Conway, Field, Hanly, and Oldham, such committee.

Mr. Byers in the chair, the committee were granted leave to set during the session of the House.

The bill of the Senate entitled "an act to liquidate the State Bank of Arkansas," was called up by Mr. Gray and read a first time.

On motion of Mr. Cline, the rules of the House were dispensed with, 53 to 5, and the bill was read a second time.

Mr. Gibson moved to refer the bill to a select committee of seven with instructions to report Saturday morning.

Mr. Gray called for the ayes and noes and they were ordered, and the question decided in the affirmative, by ayes 44 to noes 9.

The members voting in the affirmative are

Messrs. Arrington, Baines, Byers, Bateman, Brazil, Blakemore, Burke, Collins, Campbell, Crutchfield, Calvert of St. Francis, Counts, Cline, Fancher, Flanagan, Gibson, Gaines of Scott, Greenwood, Haynes, Hardwick, Hanly, Johnson, Llewellyn, Lemoyne, Martin of Franklin, Mayers, Milligan, McClain, Nott, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, and Wiley—44.

The members voting in the negative are

Messrs. Armstrong, Calvert of Saline, Gray, Gage, Humphrey, Houston, Jeffrey, Logan, and Miller—9.

Mr. Chairman appointed a committee, consisting of

Messrs. Gibson, Collins, Hanly, Baines, Counts, Gray, and Gaines of Scott.

The bill of the Senate entitled "an act to establish a system of common schools in the State of Arkansas," was taken up and read a first time.

On motion of Mr. Cline, the rules of the House were dispensed with, 46 to 4, and the bill read a second time.

On motion of Mr. Cline, the bill was referred to select committee, consisting of

Messrs. Cline, Nott, Flanagan, Roane, Milligan, and Burke, with instructions to report on Thursday next.

On motion of Mr. Arrington, Mr. Byers was added to the committee.

Resolution of the Senate respecting the graduation of the price of the public lands," was taken up and read a first time.

On motion of Mr. Rieves of Crittenden, the rules were dispensed with, 42 to 12, and the resolution was read a second time.

On motion of Mr. Peeler, the resolution was referred to a committee consisting of

Messrs. Peeler, Rieves of Crittenden, and Steuart of Desha.

The bill from the Senate entitled "an act concerning the pay of the members of this General Assembly," was taken upon and read a first time.

On motion of Mr. Rust, the rules were dispensed with, 44 to 10, and the bill read a second and third time.

On motion of Mr. Gaines of Scott, the ayes and noes were ordered, the question put upon the passage of the bill, and the question decided, by ayes 28 to noes 25.

The members voting in the affirmative are

Messrs. Arrington, Baines, Byers, Burke, Collins, Campbell, Calvert of St. Francis, Counts, Fancher, Finley, Gaines of Chicot, Gage, Hardwick, Houston, Johnson, Lemoyne, Martin of Franklin, Miller, McClain, Peeler, Roberts, Rust, Steuart of Desha, Sullivan, Stout, Scott, Vaughan, and Waters—28.

The members voting in the negative are

Messrs. Armstrong, Bateman, Brazil, Blakemore, Crutchfield, Cline, Flanagan, Gibson, Gaines of Scott, Gray, Greenwood, Haynes, Humphrey, Hanly, Jeffrey, Llewellyn, Logan, Martin of Pulaski, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Stewart of Clark, Thompson, and Wiley—25.

So the bill passed, and was transmitted to the Senate, whence it originated.

On motion of Mr. Humphrey, the House adjourned.

JANUARY 20th, 1843.
Friday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

On motion of Mr. Calvert of Saline, ordered that the votes of Mr. Oldham and Calvert of Saline, be recorded in the negative on the passage of the bill entitled "an act concerning the pay of the members of this General Assembly," and

Messrs. Roane and Mayers, recorded in the affirmative of same question.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled "an act to prohibit the emigration and settlement of free negroes, or free persons of color, in this State.

Mr. Roane was called to the chair.

Mr. Logan, from the committee to whom was referred the bill entitled "an act to legalize the location of the county seat of Pope county, on leave given,

Reported the same by substitute.

Mr. Crutchfield, from the committee to whom was referred the bill concerning lien of Mechanics, on leave given,

Reported the same back to the House with an amendment by striking out the word "six," in the sixth line of the second section, and insert the word, "three," in lieu thereof, and recommended the passage of the bill by the unanimous committee.

Pursuant to notice, Mr. Collins introduced a bill entitled "an act to repeal the 10th section of the Revised Statutes," which was read, and

On motion of Mr. Collins, the rules were dispensed with, 43 to 11, and the bill read a second time.

Mr. Field moved to lay the bill on the table till July next, which was lost.

On motion of Mr. Collins, the bill was referred to a committee consisting of Messrs. Collins, Gibson, and Byers.

On motion of Mr. Cline, the rules of the House were dispensed with, 45 to 9, and he introduced a bill entitled "an act to provide for the printing and distributing of the Acts and Journals of this General Assembly," which was read, and

On motion of Mr. Counts, the rules were dispensed with, 42 to 7, and the bill read a second time.

On motion of Mr. Cline, was referred to a select committee consisting of Messrs. Cline, Rieves of Crittenden, and Hanly.

On motion of Mr. Martin of Pulaski, the orders of the day were taken up.

On motion of Mr. Gibson, the special message from the Governor of the 14th January, was taken up and read, and is as follows:

EXECUTIVE DEPARTMENT,
Little Rock, 14*th January*, 1843.

To the Hon. the Speaker, and Gentlemen of the House of Representatives:

The constitutional power of the Executive in returning a bill with his objections should be rarely exercised on mere matters of policy, except on subjects of deep and vital interest to the people. But upon all, Legislative action which comes in conflict with the constitution he has no discretion, such in my opinion is the bill entitled "an act in relation to attorneys for the State," which is herewith returned for your further consideration.

The first section of the bill provides "that every attorney for the State shall *hold over*, and continue to exercise the duties of his office until his successor be duly elected and qualified." The 13th section of the 6th article of the Constitution of this State, declares "that the attorneys for the State shall be elected for two years." A like provision is made in all judicial officers from the judges of the supreme court to that of prosecuting attorneys, without any privilege of continuing in office until their successors are elected and qualified.

In all the offices belonging to the Executive Department, including the Governor, Secretary of State, and Treasurer, and Auditor, down to the Sheriff, and other county officers, hold their office until "their successors are elected and qualified." I, therefore, infer that the framers of the Constitution did not intend to confer a like power on judicial officers, or they would have so expressed it. The qualification in the term of officers in the Executive Department is a virtual denial of the same privilege in the judical officers, when it is expressly withheld. Under the provision of this bill a prosecuting attorney might by possibility hold over six months or even longer. The Legislature might fail to meet at the usual time or be unable to make an election, if in session. As all judicial officers (or most of them) are elected by the Legislature, can they exercise the power of filling vacancies in any other mode than by election? If not, this bill is clearly unconstitutional, for it not only extends the term of officers, but does it by an act of Legislation.

Most of the vacancies provided for in the bill, would be open during the session of the Legislature, and they are presumed to know when the offices become vacant, and will fill them in the mode pointed out in the Constitution by an election.

Should they fail, from any cause, whatever, to make an election during the session, it then becomes the duty of the Executive to fill all vacancies that may occur during the recess, as provided for in the 15th section of the 5th article of the Constitution.

If, then, a judicial office becomes vacant at the expiration of the term for which it was filled, I know only two modes to fill it: either by an election, or by an Executive appointment.

The seeming necessity for such a provision, will not, of itself, warrant the exercise of the power in derogation of the principles of the Constitution. My objections are confined alone to the first section of the bill and upon constitutional grounds. The other provisions may be provided for in some other bill. A. YELL.

Whereupon the question was put upon the passage of the bill, and the ayes and noes were ordered, and the question decided negatively, by ayes 4 to noes 49.

The members voting in the affirmative are

Messrs. McClain, Peeler, Roane, and Steuart of Desha—4.

The members voting in the negative are

Messrs. Armstrong, Baines, Byers, Bateman, Bizzell, Brazil, Blakemore, Burke, Collins, Campbell, Crutchfield, Calvert of St. Francis, Counts, Cline, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Scott, Gray, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, Nott, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Stewart of Clark, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, and Wiley—49.

So the bill was not agreed to.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed the following bills:

"An act fixing the salary and prescribing the duties of commissioner of public buildings," and

"An act to legalize the Senatorial district composed of the counties of Jackson, White, and Monroe, by attaching to Monroe county a part of the township lying between the counties of White and Monroe, and thereby making the territory composing the district contiguous." Both of which are herewith transmitted, and the assent of the House is invited thereto.

The bill from the Senate entitled "an act amendatory of the criminal code," was taken up and read a first time; and

On motion of Mr. Hanly, was rejected and the Senate informed thereof.

The bill from the Senate entitled "an act amendatory to the 39th chapter of the Revised Statutes, title county seats," was taken up and read a first time.

On motion of Mr. Flanagan, was rejected, and the Senate informed thereof by message.

The bill of the Senate entitled "an act to amend the chapter of the Revised Statutes, title criminal proceedings," was taken up and read a first time and ordered to a second reading.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have adopted a report from the committee on the judiciary, together with a resolution embodied in said report and recommended by said committee, which are herewith transmitted; and the concurrence of the House is asked thereto.

Resolution from the Senate as follows:

Be it resolved by the General Assembly of the State of Arkansas, That the General Assembly will adjourn *sine die*, on Friday, the 27th January, 1843, and that the House of Representatives be requested to concur herein, was taken up and read a first time, and

On motion of Mr. Cline, was laid on the table till Thursday next.

The bill from the Senate entitled "an act amendatory to an act to incorporate the Napoleon public school and church," was taken up and read a first time, and

On motion of Mr. Steuart of Desha, the rules were dispensed with, 37 to 10, and the bill read a second and third time and passed, and returned to the Senate.

The bill of the House for the relief of John O. Young, sheriff of Van Buren county, was taken up and the amendment adopted, and the bill as amended was read a third time and passed, and was transmitted to the Senate for their assent.

The "bill declaring White river navigable," was taken up and read a third time.

Mr. Rieves of Crittenden, amended the bill by inserting that bayou Bartholomew is hereby declared navigable from Township 6, South, to the Louisiana line.

Mr. Gibson amended by inserting, *Provided,* nothing herein contained shall be construed so as to interfere with private rights acquired previous to the passage of this act.

Mr. Hanly amended by inserting,

Be it further enacted, That Big Creek, in the county of Phillips, is hereby declared navigable from Hanks' Old Ferry, in said county, to its junction with White River.

Mr. Field amended by inserting,

And be it further enacted, That Mine Creek, in the county of Hempstead, be, and the same is hereby declared a navigable stream from the bridge near Johnson's Mills on said stream to its mouth, and that any person, or persons, who shall in any wise obstruct the navigation thereof, shall be guilty of a misdemeanor, and on conviction thereof, shall be find in any sum not less than fifty, nor more than one hundred dollars.

Mr. Gaines of Scott, amended by inserting, and that the Lefevre river be, also, declared navigable from its mouth to the residence of Ephraim Poston, in Scott county.

Mr. Peeler amended the bill by inserting, and that the Bayou Metre be declared a navigable stream from its mouth as far us as the Jefferson county line.

Mr. Hardwick amended the bill by inserting, that the St. Francis river, be declared navigable from the Missouri line to its junction with the Mississippi river.

Mr. Armstrong amended the bill by inserting, That the Saline river in Sevier county, be declared navigable from the mouth of Holly Creek, to its junction with Little River.

Mr. Greenwood amended the bill by inserting,

And be it further enacted, That if any person shall obstruct the navigation of White River, hereby declared navigable, shall be guilty of a misdemeanor, and on conviction, shall be fined in any sum not exceeding one hundred dollars, and cost of prosecution.

On motion of Mr. Peeler, the bill was referred to a committee of three, consisting of

Messrs. Greenwood, Peeler, and Gaines of Scott.

On motion of Mr. Hanly, Mr. Burke was added to the committee.

On motion of Mr. Martin of Pulaski, the bill entitled "an act to repeal the fifth and sixth sections of an act entitled an act to extend the powers of the Mayor and Aldermen of the city of Little Rock, approved 21st December, 1840, and for other purposes," was taken up and read, and

On motion of Mr. Crutchfield, the rules of the House were dispensed with, 42 to 3, and the bill read a second and third time, and passed, and was transmitted to the Senate.

The bill of the Senate entitled "an act to authorize a Geological Examination of the State of Arkansas," was taken up and read a second time, and

On motion of Mr. Campbell, the bill was referred to a committee of 5, consisting of

Messrs. Campbell, Roberts, Baines, Parks, and Brazil.

The bill from the Senate entitled "an act concerning the collection of fees," was taken up and read a second time.

The bill from the Senate entitled "an act to repeal the 83rd and 97th sections of the 4th chapter of the Revised Statutes," was taken up and read a second time.

On motion of Mr. Lemoyne, the rules were dispensed with, 45 to 4, and the bill was read a third time and passed, and returned to the Senate.

The resolution from the Senate requiring the Secretary of State to furnish to each of the judges of the supreme court of this State a complete copy of all published decisions of the supreme court of this State, was taken up and read a second time.

On motion of Mr. Greenwood, the rules were dispensed with, 39 to 8, and the resolution read a third time and passed, and was returned to the Senate.

The bill of the Senate entitled "an act amendatory of an act relating to tax titles as contained in chapter 149 of the Revised Statutes," was taken up and read a second time.

On motion of Mr. Peeler, the rules were dispensed with, 36 to 9, and the bill was read a third time, and passed, and returned to the Senate.

The bill of the Senate entitled "an act for the relief of persons who have purchased land from the United States, and have improved and settled on the same when the title has been made to the State as as seminary lands," was taken up and read a second time.

The bill of the Senate entitled "an act authorizing the payment of certain sums of money to Joseph R. Bettison, and others," was taken up and read a second time.

On motion of Mr. Gibson, was referred to the standing committee on public buildings.

Mr. Crutchfield, from the committee on Internal Improvements, on leave given,

Reported a bill authorizing the Governor to appoint a private secretary to aid him in locating, selling, and disposing of the lands belonging to the State, and for other purposes," which was read a first time.

Also, that the request in the memorial of sundry citizens of Jefferson county, praying that a road be opened from the Arkansas river to intersect the Memphis road at the mouth of Cache river, is deemed inexpedient by said committee at this time.

Also, as inexpedient, the passage of a bill entitled "an act to lay off and establish a State road from Little Rock to intersect the Jefferson City road at the Missouri line.

And the petition of sundry citizens of Izard county, praying that provisions be made for opening a road from Little Rock to the Missouri State line, that the committee deem the granting the request inexpedient at the present.

And, also, the committee reported the memorial of Messrs. Fillingins, proposing to repair the Military Road, as inexpedient, as all the above considerations would be better acted upon by a board of internal improvements.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled "an act for the relief of James Abrams, sheriff of Lafayette county."

Memorial from the Senate "concerning the fortifications on the Western frontier, to the Congress of the United States," was taken up and read a second time.

On motion of Mr. Baines, the rules were dispensed with, 39 to 9, and the bill read a third time, and passed, and was returned to the Senate.

On motion of Mr. Arrington, the House adjourned.

JANUARY 21st, 1843.
Saturday morning, 9 *o'clock*.

The House met pursuant to adjournment.

Message from the Governor by his private Secretary, Mr. A. B. Greenwood, signifying the Executive's approval of the memorial to Congress on the subject of the 16th sections, approved 18th January, 1843.

And "an act to authorize the administrator of the estate of Daniel Greathouse, dec'd, to sell real estate," approved 18th January, 1843.

And, also, "an act declaring the Pettit Jean a navigable stream," approved the 18th January, 1843.

Mr. Collins, from the committee on public buildings, to whom was referred the bill of the Senate entitled "an act authorizing the payment of certain sums of money to Joseph R. Bettison, and others," on leave given,

Reported the same back to the House without amendment, and recommended its passage.

Mr. Roane was called to the chair.

Mr. Cocke, from the committee on the judiciary, on leave given,

Reported the petition of sundry citizens of Pulaski county, praying for relief of James Fears, on leave given,

Reported by bill entitled "an act for the relief of James Fears."

On motion of Mr. Cocke, the rules were dispensed with, 39 to 12, and the bill read a second and third time.

On motion of Mr. Gibson, the bill was recommitted.

Mr. Collins, from the select committee to whom was referred the bill of the House entitled "an act to repeal the 10th section of the 62d chapter of the Revised Statutes," on leave given,

Reported the bill back to the House with amendments, which were read and adopted.

Mr. Gibson, from the committee to whom was referred the bill entitled "an act to put the State Bank into liquidation, on leave given,

Reported as follows:

The select committee to whom was referred the bill of the Senate entitled "an act to place the Bank of the State of Arkansas in liquidation, have had the same under consideration, and instruct me to report the same with the following amendments, viz:

1st. Strike out the word "*thirty*," in the 6th line of the 9th section, and insert the word "*ninety*" in lieu thereof.

2d. Amend the 23d section by adding between the words *scire facias* and, *and* in the 3d line the following words, "*and the bank is likely to sustain any injury by such scire facias.*"

3rd. Amend the 25th section by striking out the word "*eighteen*" in the 1st line, and the word "*fifteen*" in the 3d line, and inserting in lieu thereof, the words *fifteen* and *twelve.*

4th. Add between the words "*use*" and "*any*" in the 4th line of the 27th section, the words "*or leave out.*"

5th. Amend by adding as section 32 as the following:

Be it further enacted, That in all cases when any debtor of said bank may desire to substitute others, in his stead, it shall be the duty of the receivers of the principal Bank, and its several Branches, to permit the same to be done, upon full and satisfactory evidence being adduced, that the substitution will in nowise affect the interest of the Bank, or render the debts in any degree less safe and secure than before such substitution shall be permitted, and said receivers shall have power, and it is hereby made their duty, to take testimony upon oath, to be administered by any one legally authorised to do the same, touching the solvency or insolvency, as well of the principal as the securities offered for such substitution, when any doubt may exist in their minds, as to the solvency and sufficiency of the principal and securities thus offered in substitution; and that said receivers shall take the bills or notes of the Real Estate Bank and Branches, in payment of debts due to said Bank of the State, unless there shall be a greater difference than two per cent. in the relative value of the issues of the two Banks and their respective Branches."

All which is respectfully submitted.

On motion of Mr. Field, the amendments and bill were made the special orders of the day for Monday next.

Mr. Mayers, from the select committee to whom was referred the bill entitled "an act to amend the law in relation to gaming," on leave given,

Reported a substitute to the original.

Mr. Calvert of St. Francis, from the select committee to whom was referred the petition from sundry citizens of the counties of St. Francis, Jackson, and Monroe, on leave given,

Reported by bill to be entitled "an act to create and establish the county of as a new county."

Mr. Greenwood, from the committee on the judiciary, to whom was referred the bill entitled "an act for the relief of settles upon Salt Spring selections, on leave given,

Reported the same without amendment.

Mr. Rieves of Crittenden, gave notice that, on Monday next, he would introduce a bill to vacate the offices of county surveyor in this State, until the State furnish each of the counties with field notes.

Mr. Bizzell gave notice that, on Monday next, he would ask leave to introduce a bill to repeal the 127th chapter of the revised Statutes concerning the reports of the supreme court.

On motion of Mr. Lemoyne, the bill entitled "an act for the relief of settlers on the Salt Spring sections," was taken up and read a third time, and passed, and was transmitted to the Senate.

On motion of Mr. Cline, the orders of the day were taken up.

The bill entitled "an act to lease out the Salt Springs in this State, was taken up and read a second time.

On motion of Mr. Counts, the rules were dispensed, 41 to 5, and the bill was read a third time, and passed, and was transmitted to the Senate for their assent.

The memorial to the Congress of the United States, praying for an appropriation of 25,000 to establish a military road from Little Rock to Fort Smith, read a second time.

On motion of Mr. Mayers, the rules were dispensed with, 39 to 14, and was read a third time.

Mr. Peeler amended, by inserting, " and that the road be continued to Napoleon, mouth of Arkansas river, upon the south side of said river.

Mr. Rives of Crittenden amended the memorial, by inserting $100,000, instead of $25,000.

When the memorial passed as amended, and was transmitted to the Senate.

Memorial to the Congress of the United States, suggesting the importance of stationing more military forces on the western frontier, &c. was taken up and read a second time.

On motion of Mr. Armstrong, the rules were dispensed with, 36 to 9, and the memorial was read a third time, and passed, and was transmitted to the Senate for their assent.

The bill entitled "an act to sever the office of sheriff and assessor, and sheriff and public administrator, was taken up and read a third time, and was rejected.

The bill entitled "an act regulating the mode of proceedings on recognizances in criminal cases," was taken up and read a second time.

On motion of Mr. Greenwood, was referred to a select committee of three, consisting of

Messrs. Greenwood, Gibson, and Hanly.

The bill entitled "an act to lease out certain 16th sections," was taken up and read a second time.

On motion of Mr. Flanagan, was referred to a committee of three, consisting of

Messrs. Flanagan, Steuart of Desha, and Stewart of Clark.

The bill from the Senate entitled "an act to amend the chapter of the Revised Statutes, title, Criminal Proceedings," was taken up and read a second time.

On motion of Mr. Lemoyne, was laid on the table indefinitely.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed the following bills:

"A bill to authorise Charles Elliott to sell real estate and slaves, &c."

"An act for the relief of grand jurors and witnesses."

And "an act for the relief of Ashby B. Bates;" all which are herewith transmitted, and the assent of the House is asked thereto.

The Senate have also passed the following joint resolution:

"A resolution authorising the Governor to sell and dispose of two quarter sections of land, the property of this State;" and

"A resolution concerning the introduction of bills and memorials;" both of which are herewith transmitted, and the concurrence of the House is asked thereto.

On motion of Mr. Steuart of Desha, leave of absence was granted Mr. Johnson on account of ill health.

The bill of the House entitled "an act for the relief of those persons who have purchased lands from the United States, and have made thereon valuable improvements, the title to which has been confirmed by the United States to the State of Arkansas, as a portion of the Seminary lands," was read a third time and passed, and was transmitted to the Senate.

The bill to be entitled "an act concerning the collection of fees, was taken up and read a third time, and passed, and returned to the Senate.

The bill of the House entitled "an act concerning the lien of mechanics," was taken up and read a third time, and passed, and was transmitted to the Senate.

The bill of the Senate entitled "an act to call in the scrip of Saline county," was taken up and read a first time, and

On motion of Mr. Brazil, the rules were dispensed with, 46 to 4, and the bill read a second and third time, and passed, and was transmitted to the Senate, whence it originated.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have repassed "an act concerning the pay of the members of the present General Assembly," which is herewith transmitted for the further consideration of your honorable body, together with the message from Gov. Yell, containing his objections thereto.

On motion of Mr. Hanly, the further consideration of the bill, and Executive message, was postponed till Monday next.

On motion of Mr. Flanagan, the rules were dispensed with, 45 to 6, and the House adjourned at 15 minutes past one o'clock.

JANUARY 23d, 1843.
Monday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

Mr. Peeler, from the select committee to whom was referred the bill declaring White river navigable, on leave given,

Reported the bill by substitute, which was read a first time.

On motion of Mr. Baines, the rules were dispensed with, 45 to 11, and the bill read a second and third time, and passed, and was transmitted to the Senate for their assent.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following entitled bills:

"An act to prohibit certain persons from acting as directors of the Real Estate Bank of the State of Arkansas."

"An act creating the office of Attorney General of the State of Arkansas," which are herewith transmitted, and the assent of the House is invited thereto.

Mr. McClain, pursuant to notice, introdcued a bill entitled "an act to remove the seat of government from Little Rock to Clarksville," which was read a first time.

Mr. Roberts moved to reject the bill.

Mr. McClain called for the ayes and noes, and they were ordered, and the question decided in the negative by noes 36 to ayes 25.

The members voting in the affirmative are

Messrs. Armstrong, Bizzell, Brazil, Burke, Conway, Collins, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Field, Flanagan, Finley, Gibson, Llewellyn, Lemoyne, Martin of Pulaski, Milligan, Nott, Rieves of Crittenden, Roberts, Roane, Rust, Stewart of Clark, and Mr. Speaker—25.

The members voting in the negative are

Messrs. Arrington, Baines, Byers, Bateman, Blakemore, Campbell, Counts, Cline, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Logan, Martin of Franklin, Mayers, Miller, McClain, Peeler, Parks, Rieves of Crawford, Robertson, Steuart of Desha, Sullivan, Stout, Scott, Vaughan, Waters, and Wiley—36.

On motion of Mr. Hanly, the rules of the House were dispensed with, 47 to 12, and the bill was read a second time, and referred to a committee of three, consisting of

Messrs. Hanly, Gaines of Scott, and McClain.

Mr. Cocke, from the committee on the judiciary, on leave given, *Reported* a "resolution for the relief of James Fears."

On motion of Mr. Cocke, the rules were dispensed with, 48 to 12, and the resolution passed, and was transmitted to the Senate for their concurrence.

On motion of Mr. Humphrey, the orders of the day were taken up.

The Executive's veto message concerning his Excellency's objections to the bill of the Senate entitled "an act concerning the pay of the present members of this General Assembly, was taken up and read, as also the bill.

When the question was put upon the repassage of the bill, and the bill passed by ayes 40 to noes 22.

The members voting in the affirmative are

Messrs. Arrington, Armstrong, Baines, Byers, Bizzell, Brazil, Burke, Collins, Campbell, Calvert of St. Francis, Counts, Field, Fancher, Finley, Gibson, Gaines of Chicot, Gage, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Roberts, Roane, Robertson, Rust, Steuart of Desha, Sullivan, Stout, Scott, Vaughan, and Waters —40.

The members voting in the negative are

Messrs. Bateman, Blakemore, Conway, Crutchfield, Cocke, Calvert of Saline, Cline, Flanagan, Gaines of Scott, Gray, Greenwood, Haynes, Humphrey, Hanly, Logan, Martin of Pulaski, Parks, Reeves of Crawford, Rieves of Crittenden, Stewart of Clark, Wiley, and Mr. Speaker—22.

So the bill was passed and become a law, having received the constitutional requisite, provided in such cases.

On motion of Mr. Lemoyne, the bill of the Senate to put the State Bank into liquidation, was taken up, and the report of the committee recommending several amendments, was taken up, and the amendments read separately and adopted.

Message from the Governor by his private Secretary, Col. L. J. Reardon, signifying the Executive's approval of "an act to prohibit the emigration and settlement of free persons of color in this State: approved 20th January, 1843.

And "an act for the relief of James Abrams, sheriff of Lafayette county:" approved 21st day of January, 1843.

Mr. Gaines of Scott, amended the third section of the Bank bill by adding "each receiver shall, within sixty days after his election, enter into the bond above required in this section.

Mr. Hanly amended the fourth section by adding "and that when said appointment shall have been made by such chancellor, he shall forthwith advise the Governor thereof, who shall, without delay, issue a commission to such appointed, which shall expire as aforesaid."

Mr. Gray would amend by striking out the word "*ten*" in the sixth line of section ten, and insert "*four*," in lieu thereof.

Which was lost.

Mr. Collins would amend by inserting "*eight*" in lieu of "*ten.*"

Which was lost.

Mr. Rieves of Crittenden would amend by inserting "*fourteen*" in lieu of *ten.*

Which was lost.

Mr. Roane would amend by inserting "*one*" in lieu of *ten*, and called for the ayes and noes, and they were ordered, and the question decided in the negative by noes 51 to ayes 4.

The members voting in the affirmative are

Messrs. Bateman, Gray, Humphrey, and Roane—4.

The members voting in the negative are

Messrs. Arrington, Armstrong, Baines, Byers, Bizzell, Brazil, Blakemore, Burke, Collins, Campbell, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Field, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Greenwood, Haynes, Hardwick, Hanly, Houston, Jeffrey, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Rust, Steuart of Desha, Sullivan, Stout, Scott, Vaughan, Waters, and Mr. Speaker—51.

Mr. Llewellyn would amend the 10th section in the 4th line by striking out the word "*seven*" and inserting "*eight*" *per cent.* in lieu thereof.

Which was lost.

Mr. Lemoyne amended by striking out all of the 12th section after the word security in the 4th line.

Mr. Hanly amended the same section by inserting the word *and*, after the word *bond* in the 3d line.

Mr. Collins amended the 13th section in the 3d line, by striking out the word *sixty*, and inserting "*ninety*" in lieu thereof.

Mr. Rust would amend the 14th section by striking out "*and after the circulation of said Bank and branches shall be taken in then,*" and also in the 3d line strike out the words "*whether due or not*" and insert *which are due*.

Mr. Arrington called for the ayes and noes, and they were ordered, and the question decided in the negative by ayes 21 to noes 33.

The members voting in the affirmative are

Messrs. Arrington, Bateman, Bizzell, Burke, Collins, Cline, Haynes, Humphrey, Jeffrey, Lemoyne, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rust, and Wiley—21.

The members voting in the negative are

Messrs. Armstrong, Baines, Byers, Brazil, Blakemore, Campbell, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Fancher, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Greenwood, Hardwick, Hanly, Houston, Llewellyn, Logan, Martin of Pulaski, Rieves of Crittenden, Roberts, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Vaughan, Waters, and Mr. Speaker—33.

So the proposed amendment was not adopted.

Mr. Gray was called to the chair.

On motion of Mr. Gaines of Scott, the House went into recess at 2 o'clock, P. M. till 3 o'clock, P. M.

Evening Session, 3 *o'clock*, *P. M.*

Mr. Greenwood amended the 18th section in the 3d line, by inserting after the word services, the word "*heretofore.*"

Mr. Hanly amended the 19th section by striking out all of said section after the word *with* in the 2d line, and inserting "*any and all banking institutions, or their legal representatives with whom any business may have been transacted by said principal bank or branches, and to exchange all notes which may be in the possession of said principal bank or branches, issued by any and all such banking institutions for such notes as they may have of said principal bank and branches.*"

Mr. Arrington amended by striking out the 20th section.

Mr. Hanly offered a substitute for the 20th section, which was lost.

Mr. Gaines of Scott, offered the following as a substitute for the twentieth section:

And be it further enacted, That the said receivers of the Principal Bank shall, as soon as the affairs of said institution will enable them to take up the outstanding circulation in specie, make publication thereof and proceed to redeem the notes of said bank and branches whenever presented at the Principal Bank for payment, which was adopted.

Mr. Arrington amended by striking out all of the 23d section.

Mr. Cline amended by striking out the word "*fifteen*," in the 2d line of the 25th section.

Mr. Counts would fill the blank with fourteen hundred, which was lost.

Mr. Collins would fill the blank with thirteen hundred; when

On motion of Mr. Houston, the House adjourned.

JANUARY 24TH, 1843.
Tuesday morning, 9 *o'clock*.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as Chaplain.

On motion of Mr. Greenwood, the orders of the day were taken up.

The bill entitled "an act to place the Bank of the State of Arkansas in liquidation," was again taken up.

On motion of Mr. Mayers, the vote of yesterday to strike out "fifteen hundred dollars as salary of the financial receiver of the Principal Bank," was reconsidered and the clause remained as written.

The question was then put on striking out twelve hundred dollars in the fourth line of the 25th section.

Mr. Cline called for the ayes and noes, and they were ordered, and the question decided in the affirmative, by ayes 44, to noes 15.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Baines, Bateman, Brazil, Blakemore, Burke, Campbell, Calvert of St. Francis, Cline, Cook, Fancher, Gaines of Scott, Gray, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Rust, Stewart of Clark, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, and Mr. Speaker—44.

The members voting in the negative are

Messrs. Byers, Conway, Collins, Crutchfield, Calvert of Saline, Counts, Field, Flanagan, Finley, Gibson, Nott, Robertson, Steuart of Desha, and Wiley—15.

So the words twelve hundred was stricken out.

Mr. Collins would fill the blank with one thousand.

Mr. Humphrey would fill the blank with eight hundred.

Mr. Lemoyne would fill the blank with six hundred.

Mr. Field would fill the blank with one hundred and fifty in Arkansas money for *Buncombe*.

The question was then put upon the first proposition, and the blank was filled by inserting one thousand.

Mr. Gray moved to strike out one thousand as the salary of bank attorney, in section 25, and insert $600, in lieu thereof.

The question was divided and one thousand was stricken out.

Mr. Hanly would fill the blank by inserting $800.

Mr. Gray would fill the blank by inserting $600.

Mr. Arrington would fill the blank by inserting $500.

The question was taken upon Mr. Hanly's proposition, which was lost.

The question was then taken upon Mr. Gray's proposition, which was adopted.

Mr. Byers amended the 28th section by adding, "*or Branch Bank where the same may be pending.*"

Mr. Hanly amended by striking out the 30th section.

Mr. Martin of Pulaski, would amend by striking out that part of the thirty-second section as authorizes the receiver to receive the notes of the Real Estate Bank, if not at a greater discount than ten per cent. below the notes of the State Bank.

Mr. Gaines of Scott, called for the ayes and noes, and they were ordered, and the amendment was adopted, by ayes 31 to noes 30.

The members voting in the affirmative are

Messrs. Arrington, Bateman, Bizzell, Burke, Campbell, Calvert of St. Francis, Cline, Gaines of Scott, Gray, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Logan, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Parks, Reeves of Crawford, Rieves of Critteenden, Roberts, Rust, Sullivan, Scott, Thompson, and Vaughan—31.

The members voting in the negative are

Messrs. Armstrong, Baines, Byers, Brazil, Blakemore, Conway, Counts, Cook, Fancher, Flanagan, Gibson, Gaines of Chicot, Gage, Haynes, Hanly, Llewellyn, Lemoyne, Martin of Pulaski, Peeler, Roane, Robertson, Stewart of Clark, Steuart of Desha, Stout, Waters, and Mr. Speaker—30.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed the following entitled bills:

"An act for the relief of William Wynn, of the county of Lafayette."

"An act to amend the practice at law."

"An act to authorize James Whitely to affiliate Joseph Cunningham and Rebecca Cunningham, and for other purposes."

"An act to amend an act entitled an act to encourage the killing of wolves in this State," approved 17th December 1838, and

"An act for the relief of Jonas Lyle."

All which are herewith transmitted, and the assent of your honorable body is invited thereto.

The Senate have passed a memorial to Congress concerning the sale of certain lands for the use of common schools." Also, "A memorial to Congress praying the establishment of five ports of entry in the State of Arkansas," both which are herewith transmitted, and the concurrence of the House is asked thereto.

Mr. Greenwood would reconsider the vote on Mr. Martin's amendment to the 32nd section.

Mr. Martin of Franklin, called for the ayes and noes, and they ordered, and the question decided in the negative, by noes 32 to ayes 31.

The members voting in the affirmative are

Messrs. Armstrong, Baines, Byers, Brazil, Blakemore, Conway, Collins, Crutchfield, Cocke, Calvert of Saline, Counts, Cook, Fancher, Finley, Gibson, Gaines of Chicot, Gage, Greenwood, Hanly, Lelewellyn, Lemoyne, Martin of Pulaski, Peeler, Roane, Robertson, Stewart of Clark, Steuart of Desha, Stout, Vaughan, Waters, Wiley, and Mr. Speaker—31.

The members voting in the negative are

Messrs. Arrington, Bateman, Bizzell, Burke, Campbell, Calvert of St. Francis, Cline, Field, Flanagan, Gaines of Scott, Gray, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Logan, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Rust, Sullivan, Scott, and Thompson—32.

Mr. Hanly amended the 32nd section, by inserting in the 10th line, "*themselves, severally, or by,*" and the 33rd section by inserting, "*from and after the tenth day of February next.*"

Mr. Gibson would amend the 25th section by striking out after the word attorney, to the word quarterly, and insert in lieu thereof, the following: "*One hundred dollars, and five per cent. upon all judgments obtained, and five dollars for every written opinion which may be deemed necessary by the receivers: Provided such opinion is sustained by the courts; and, if not, said attorneys shall pay all costs incurred by the bank in prosecuting such suit on account of said opinion.*" The chair decided the proposed amendment out of order, as the same portion of said section had been amended by striking out and inserting, and now by the assent of the House became fixed in relation to the salary of attorneys.

Mr. Gibson appealed from the decision of the chair, and called for the ayes and noes, and they were ordered, and the chair was sustained by the House, by ayes 45 to noes 17.

The members voting in the affirmative are

Messrs. Armstrong, Baines, Bizzell, Brazil, Blakemore, Burke Conway, Crutchfield, Calvert of Saline, Calvert of St. Francis, Cline, Cook, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Martin o, Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClainf Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—45.

The members voting in the negative are

Messrs. Arrington, Byers, Bateman, Collins, Campbell, Cocke, Counts, Field, Flanagan, Finley, Gibson, Gaines of Chicot, Lemoyne, Logan, Nott, and Rust—17.

Mr. Collins would amend by striking out in the sixth line of the tenth section the word "ten," and insert six.

Mr. Mayers called for the ayes and noes, and they were ordered, and the question decided in the negative, by ayes 23 to noes 38.

The members voting in the affirmative are

Messrs. Bateman, Bizzell, Burke, Conway, Collins, Field, Gray, Gage, Haynes, Humphrey, Houston, Lemoyne, Logan, Martin, of Franklin, Mayers, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rust, and Thompson—23.

The members voting in the negative are

Messrs. Armstrong, Baines, Brazil, Blakemore, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Greenwood, Hardwick, Hanly, Jeffrey, Llewellyn, Martin of Pulaski, Nott, Peeler, Rieves of Crittenden, Roberts, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Vaughan, Waters, Wiley, and Mr. Speaker—38.

Mr. Cline called for the previous question, which was sustained.

Mr. Gaines of Scott, called for the ayes and noes on the passage of the bill, and they were ordered, and the bill passed, by ayes 53 to noes 10.

The members voting in the affirmative are

Messrs. Arrington, Armstrong, Baines, Bizzell, Brazil, Blakemore, Burke, Campbell, Crutchfield, Cocke, Field, Fancher, Flanagan, Gibson, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hanly, Houston, Jeffrey, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Scott, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—53.

The members voting in the negative are

Messrs. Byers, Bateman, Conway, Collins, Calvert of Saline, Finley, Gaines of Chicot, Hardwick, Nott, and Roane—10.

And the bill passed as amended, and ordered engrossed for the Senate.

Mr. Speaker appointed Messrs. Gibson, and Lemoyne, a committee on the engrossment of the bill.

Mr. Cocke, from the committee to whom was referred the bill putting the affairs of the Real Estate Bank into liquidation, on leave given, *Reported* the same by substitute, which was read a first time.

On motion of Mr. Mayers, the rules were dispensed with, 41 to 6, and the bill read a second time.

On motion of Mr. Llewellyn, the House adjourned.

JANUARY 25th, 1843.
Wednesday morning, 9 *o'clock.*

The House met pursuant to adjournment.

Mr. Field, from the select committeee to whom was referred the bill entitled "an act to put the Real Estate Bank in liquidation, on leave given,

Made a minority report, which was read, and will be printed in the appendix of the Journals of the House of Representatives.

On motion of Mr. Cline, the orders of the day were taken up.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act requiring the Adjutant General to report the strength of the militia of this State to the proper officers of the general government," which is herewith transmitted and the assent of the House is asked.

The Senate have assented to the bill from the House entitled "an act for the relief of settlers on selected lands confirmed to the State of Arkansas for State purposes," which is herewith returned.

On motion of Mr. Humphrey, the bill to put the Real Estate Bank in liquidation, was taken up on its third reading.

On motion of Mr. Mayers, ordered that the bill be read by distinct sections.

Mr. Mayers would amend the bill in the first section, in the seventh line, by striking out *ten* trustees and inserting *five*.

Mr. Gaines of Chicot, would amend the amendment by striking out five and inserting none at all; which proposed amendment to the amendment was lost; when

Mr. Martin of Franklin, called for the ayes and noes, and they were ordered, and the question decided by ayes 16, to noes 43.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Bizzell, Collins, Crutchfield, Cook, Field, Gaines of Chicot, Gray, Hardwick, Martin of Franklin, Mayers, Miller, Reeves of Crawford, Rust, and Thompson—16.

The members voting in the negative, are

Messrs. Byers, Bateman, Brazil, Blakemore, Burke, Conway, Campbell, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Fancher, Flanagan, Finley, Gaines of Scott, Gage, Greenwood, Haynes, Humphrey, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Milligan, McClain, Nott, Peeler, Parks, Rieves of Crittenden, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Vaughan, Waters, Wiley, and Mr. Speaker—43.

So the amendment was lost.

Mr. Rust would amend the first line of the 4th section, by inserting *ten* in lieu of *five*.

Mr. Arrington called for the ayes and noes, and they were ordered, and the question decided in the negative, by ayes 21, to noes 36.

The members voting in the affirmative, are

Messrs. Arrington, Armstrong, Byers, Bateman, Bizzell, Collins, Campbell, Crutchfield, Cline, Cook, Field, Gaines of Chicot, Gray, Hardwick, Hanly, Martin of Franklin, Mayers, Miller, Reeves of Crawford, Rust, and Thompson—21.

The members voting in the negative, are

Messrs. Brazil, Blakemore, Burke, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Fancher, Flanagan, Finley, Gaines of Scott, Gage, Greenwood, Haynes, Humphrey, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Milligan, McClain, Nott, Parks, Rieves of Crittenden, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Vaughan, Waters, Wiley, and Mr. Speaker—36.

Mr. Gibson would amend the first section of the bill by striking out after the enacting clause and insert:

That there shall be an election held in all the different counties of this State, at the places where the generat elections are held therein, on the first Monday in March next, and every four years thereafter, for the purpose of electing all the Trustees provided for in this act, and said elections shall be subject to and governed by the laws now in force governing general elections in this State, and the Trustees so elected shall be governed by the same rules, and subject to the same penalties, and perform the same duties as are hereinafter prescribed.

Mr. Rust moved to lay the amendment on the table.

Mr. Arrington called for the ayes and noes, and they were ordered, and the question was decided in the affirmative, by ayes 37, to noes 19.

The members voting in the affirmative are

Messrs. Baines, Brazil, Blakemore, Burke, Conway, Collins, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Fancher, Flanagan, Gaines of Scott, Gray, Greenwood, Haynes, Humphrey, Hanly, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Milligan, McClain, Peeler, Parks, Rieves of Crittenden, Robertson, Rust, Steuart of Desha, Stout, Vaughan, Wiley, and Mr. Speaker—37.

The members voting in the negative are

Messrs. Arrington, Armstrong, Byers, Bateman, Bizzell, Campbell, Counts, Cook, Field, Finley, Gibson, Gaines of Chicot, Martin of Franklin, Mayers, Miller, Reeves of Crawford, Thompson, and Waters—19.

So the amendment was laid on the table.

On motion of Mr. Collins, the House took a recess at 45 minutes past one o'clock, until half past two o'clock, P. M.

Evening Session, half past 2 o'clock, P. M.

Mr. Gibson would fill the blank in the 45th section, in relation to the salary of commissioners, with five hundred dollars.

Mr. Peeler would fill with twelve hundred dollars.

Mr. Robertson would fill with one thousand dollars.

Mr. Oldham would fill with fourteen hundred dollars for the first year, and one thousand dollars for each year thereafter, which last amendment was adopted.

Mr. Rust would strike out the 45th section.

Mr. Gibson called for the ayes and noes, and they were ordered, and the question decided in the negative, by noes 35, to ayes 19.

The members voting in the affirmative, are

Messrs. Arrington, Baines, Bateman, Campbell, Counts, Cline, Cook, Gibson, Gaines of Chicot, Haynes, Llewellyn, Martin of Franklin, Mayers, Miller, Milligan, Peeler, Reeves of Crawford, and Rust—19.

The members voting in the negative, are

Messrs. Armstrong, Bizzell, Brazil, Blakemore, Burke, Conway, Collins, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Fancher, Flanagan, Gaines of Scott, Gray, Greenwood, Humphrey, Hardwick, Jeffrey, Johnson, Logan, Martin of Pulaski, McClain, Parks, Rieves of Crittenden, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—35.

Mr. Martin of Pulaski, would amend the 45th section, by adding: "The Bank Commissioners herein provided for shall be required to perform the same duties, make the same reports, and shall have the same powers in regard to the State Bank and Branches, as the Real Estate Bank and Branches;" which amendment was adopted.

Mr. Mayers would add a separate section, 52:

Be it further enacted, That if any one of the assignees purporting to be one of the parties named in the instrument making an assignment of the effects of the Real Estate Bank, shall refuse to deliver up the assets of the said Real Estate Bank to the proper trustees, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than one hundred nor more than five thousand dollars, and shall be further imprisoned in the jail and penitentiary house of the State for any period not less than ten nor more than twenty years, and stand convicted until the fine and costs are paid; which amendment was lost.

Mr. Cocke amended the 45th section, by inserting in the 8th line, after the word "*thereafter*," to date from the time that he enters upon his duties as visitor and examiner of the Real Estate Bank and State Bank. But if any contingency should occur whereby he is prevented from acting as visitor and examiner of either of said banks, then he shall, if he acts as visitor or examiner of but one, receive only half the salary herein provided for.

Mr. Byers would amend the 9th section, by inserting:

"And the said trustees shall pay the interest now due, and which may hereafter become due, upon the bonds sold to the Secretary of the Treasury of the United States on account of the Smithsonian legacy, in preference to all other creditors whomsoever."

Mr. Roberts called for the ayes and noes, and they were ordered, and the question decided in the negative, by ayes 18, to noes 36.

The members voting in the affirmative, are

Messrs. Arrington, Baines, Byers, Bateman, Bizzell, Burke, Collins, Campbell, Crutchfield, Counts, Cline, Cook, Gaines of Chicot, Gibson, Llewellyn, Logan, Roberts, and Sullivan—18.

The members voting in the negative, are

Messrs. Armstrong, Brazil, Blakemore, Conway, Cocke, Calvert of Saline, Calvert of St. Francis, Fancher, Flanagan, Finley, Gaines of Scott, Gray, Greenwood, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Martin of Pulaski, Mayers, Miller, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Robertson, Rust, Stewart of Clark, Steuart of Desha, Stout, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—36.

Mr. Collins amended the 6th section in the 2d line, by adding after the word "*stockholders*" or the legal representatives of such stockholders.

Mr. Gray called for the previous question, which was sustained, and the question was put upon the passage of the bill.

Mr. Byers called for the ayes and noes, and they were ordered, and the question was decided by ayes 44 to noes 11.

The members voting in the affirmative are

Messrs. Armstrong, Baines, Bizzell, Brazil, Blakemore, Burke, Conway, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Cline, Fancher, Flanagan, Finley, Gaines of Scott, Gray, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Rust, Steuart of Desha, Sullivan, Stout, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—44.

The members voting in the negative are

Messrs. Arrington, Byers, Bateman, Collins, Campbell, Counts, Cook, Gibson, Gaines of Chicot, Haynes, and Stewart of Clark—11.

So the bill was passed, and transmitted to the Senate.

On motion of Mr. Collins, the House adjourned.

January 26th, 1843.
Thursday morning, 9 *o'clock.*

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as Chaplain.

On motion of Mr. Hanly, ordered his vote to be recorded in the affirmative of the bill entitled "an act to put the affairs of the Real Estate bank into liquidation.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled "an act for the relief of settlers on selected lands confirmed to the State of Arkansas for State purposes."

Mr. Cline, from the committee to whom was referred the bill to provide for the printing and distribution of the acts and journals of this General Assembly, on leave given, *Reported* the same with two separate amendments, which were read and adopted.

Mr. Lemoyne, from the committee who were appointed to supervise the engrossment of the State Bank bill, on leave given,

Reported the same correctly enrolled.

Mr. Campbell, from the committee to whom was referred the bill entitled "an act to authorise a geological examination of the State of Arkansas," on leave given,

Reported the bill with two separate sections in amendment, and recommended the passage of the bill, when the amendments were read and concurred in by the House.

On motion of Mr. Humphrey, the orders of the day were taken up.

The bill of the Senate entitled "an act for the relief of William Wynn, of the county of Lafayette," was taken up and read a first time.

On motion of Mr. Mayers, the rules were dispensed with, 45 to 7, and the bill read a second time.

When Mr. Gibson amended the third section.

Mr. Hanly amended the bill by adding the sixth section.

The bill was then read a third time, and the question was put on its final passage.

Mr. Humphrey called for the ayes and noes, and they were ordered, and the question decided in the affirmative by ayes 40 to noes 15.

The members voting in the affirmative are

Messrs. Baines, Byers, Bateman, Blakemore, Burke, Conway, Collins, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Greenwood, Haynes, Hardwick, Hanly, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Mayers, Nott, Roberts, Robertson, Rust, Stewart of Clark, Stout, Vaughan, Waters, and Mr. Speaker—40.

The members voting in the negative are

Messrs. Brazil, Gaines of Scott, Gray, Humphrey, Jeffrey, Martin of Franklin, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Steuart of Desha, Thompson, Wiley—15.

So the bill passed and was transmitted to the Senate.

The bill entitled "an act allowing compensation to the agents appointed by the Governor to select and locate a portion of the 500,000 acres of land donated by Congress to the State of Arkansas," was taken up and read a third time; and the blank in the fourth section was filled up with six hundred dollars as salary for the private Secretary to the Executive, and land agent; and also in the sixth section with two hundred dollars, as compensation for the extra services of the Treasurer and Auditor, as required of this act.

The question was then put upon the final passage of the bill.

Mr. Gibson called for the ayes and noes, and they were ordered, and the bill passed by ayes 36 to noes 16.

The members voting in the affirmative are

Messrs. Arrington, Blakemore, Burke, Conway, Collins, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Flanagan, Finley, Gaines of Chicot, Gray, Greenwood, Humphrey, Hardwick, Hanly, Jeffrey, Johnson, Llewellyn, Logan, Martin of Pulaski, Mayers, Peeler, Rieves of Crittenden, Roberts, Stewart of Clark, Steuart of Desha, Stout, Vaughan, Wiley, and Mr. Speaker—36.

The members voting in the negative are

Messrs. Byers, Bateman, Campbell, Gibson, Gaines of Scott, Haynes, Lemoyne, Martin of Franklin, Miller, Milligan, McClain, Parks, Reeves of Crawford, Roberts, Thompson, and Waters—16.

So the bill passed and was transmitted to the Senate.

Resolution of the Senate requiring the Secretary of State to furnish the members of this General Assembly with printed decisions of the supreme court, and also with copies of the Revised Statutes," was taken up and read a first time.

On motion of Mr. Gray, the rules were dispensed with, 43 to 12, and the resolution read a second and third time, and passed, and returned to the Senate.

The bill from the Senate entitled "an act prescribing the time of holding the circuit courts for the several judicial circuits," was taken up and read a first time.

On motion of Mr. Llewellyn, the rules were dispensed with, 49 to 7, and the bill read a second time.

On motion of Mr. Cocke, the bill was referred to a committee consisting of the delegation from each judicial circuit.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have concurred in the joint resolution from the House, instructing our Senators and member of Congress to use their influence for the establishment of a road on the south side of the Arkansas river, from Little Rock to Fort Smith.

The Senate also concur in the joint memorial from the House concerning the western frontier.

The Senate have rejected the bill from the House entitled "an act declaring certain streams in the State of Arkansas, navigable," and have concurred in the resolution from the House requesting the Governor to pardon and remit the fine imposed on James Fears, found guilty of man slaughter, which are herewith returned.

The Senate have assented to the bill from the House entitled "an act for the relief of Mrs. Lavinia Huddleston," which is also returned, and have passed the following bills, to wit:

"An act to repeal a part and extend the powers of the Mayor and Alderman of the city of Little Rock:" approved Dec. 21st, 1840.

"An act amendatory and explanatory of an act entitled an act to regulate the sale of property on executions:" approved 23d Dec. A. D. 1840.

And the assent of the House is asked thereto.

The Senate have assented to the bill from the House entitled "an act to for the relief of John O. Young, sheriff of Van Buren county.

The Senate have also passed a memorial to Congress praying the establishment of a mail route on the east side of the Ouachita river, &c., which is herewith returned for the concurrence of the House.

On motion of Lemoyne, Mr. Llewellyn was added to the committee.

On motion of Mr. Greenwood, Mr. Lemoyne was added to the committee.

The bill entitled "an act in relation to sheriffs," was taken up and read a first time.

On motion of Mr. Robertson, the rules were dispensed with, 37 to 12, and the bill read a second and third time, and was rejected.

On motion of Mr. Peeler, the House went into recess till half past 2 o'clock, P. M.

Evening Session, half past 2 o'clock.

The Speaker called the House to order.

On motion of Mr. Flanagan, the House adjourned.

JANUARY 27th, 1843.
Friday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled, "a memorial to Congress asking for a road, and the establishment of forts on the western frontiers, and

A resolution requesting the Governor to pardon and remit the fine imposed on James Fears, found guilty of manslaughter, and

"An act for the relief of John O. Young, sheriff and collector of Van Buren county," and

"An act for the relief of Lavinia Huddleston."

Also, a memorial asking for the establishment of a road from Napoleon to Fort Smith on the South side of the Arkansas river.

Mr. Cline, from the select committee to whom was referred the bill entitled "an act establishing a system of common schools in the State of Arkansas," on leave given,

Reported sundry amendments to said bill, and the bill was read a third time by sections, and after sundry amendments offered, the bill was again committed to Messrs. Gibson, Baines, Lemoyne, Steuart of Desha, Cline, Sullivan, Mayers, and Gaines of Scott.

Mr. Peeler, from the committee to whom was referred the memorial to Congress concerning the reduction of the price of certain public lands," on leave given,

Reported the same back without amendment.

Mr. Robertson, on leave, introduced a bill entitled "an act in relation to trading boats in the State of Arkansas," which was read a first time, and

On motion of Mr. Humphrey, the rules were dispensed with, 37 to 12, and the bill read a second time.

On motion of Mr. Hanly, the bill was referred to a committee consisting of

Messrs. Gibson, Calvert of Saline, Arrington, and Robertson.

Mr. Rieves of Crittenden, on leave, introduced a bill entitled "an act to repeal all laws that relate to county surveyors," which was read a first time.

Message from the Governor by his private Secretary, Col. A. B. Greenwood, signifying the Executive's approval of "an act for the relief of settlers on selected lands confirmed to the State of Arkansas for State purposes," approved the 26th January, 1843.

The substitute for the bill entitled "an act relating to the overseers of roads, in the State of Arkansas," was taken up and read a first time.

On motion of Greenwood, the rules were dispensed with, 38 to 10, and the bill read a second time, and referred to a committee consisting of

Messrs. Conway, Vaughan, and Milligan.

The bill of the Senate entitled "an act to authorize James Whitely to affiliate Joseph Cunningham and Rebecca Cunningham, and for other purposes," was taken up and read a first time.

On motion of Mr. Collins, the rules were dispensed with, 40 to 7, and the bill read a second and third time, and passed, and returned to the Senate.

The resolution of the House proposing to amend the 29th section, of article 4th, of the Constitution of the State of Arkansas," was taken up and read a third time.

The ayes and noes were ordered on the passage, and the question decided in the affirmative, by ayes 45 to noes 6.

The members voting in the affirmative are

Messrs. Arrington, Baines, Bateman, Brazil, Blakemore, Burke, Conway, Collins, Campbell, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Flanagan, Finley, Gaines of Chicot, Gaines of Scott, Gray, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Parks, Reeves of Crawford, Rieves of Crittenden, Robertson Stewart of Clark, Sullivan, Stout, Thompson, Vaughan, Waters, and Mr. Speaker—45.

The members voting in the negative are

Messrs. Gibson, Llewellyn, Lemoyne, Peeler, Roane, and Steuart of Desha—6.

So the amendment was adopted and transmitted to the Senate for their assent.

The bill entitled "an act to legalize the location of the county seat of Pope county, and for other purposes."

On motion of Mr. Logan, the rules were dispensed with, 45 to 6, and the bill read a second time.

Mr. Greenwood by adding to sections *two*, *three*, and *four*, which were adopted, and the bill read a third time and passed, and was transmitted to the Senate for their assent.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have concurred in the amendments of the House to the bill from the Senate entitled "an act for the relief of William Wynn, of the county of Lafayette."

The bill from the Senate entitled "an act amendatory and explanatory to an act entitled an act to regulate the sale of property under execution," approved 23rd December, 1840, was taken up and read a first time.

On motion of Mr. Collins, the rules were dispensed with, 40 to 9, and the bill was read a third time.

Mr. Martin of Pulaski, would amend by adding to the second section, "*and that at the end of said twelve months the property of the debtor or security, as the case may be, shall be sold for what it will bring.*"

On motion of Mr. Miller, the amendment, as proposed, was laid on the table.

Mr. Gaines of Scott, would amend the bill by striking out the provisions in the second section, that no land, or slaves, shall be sold under execution, unless the same shall sell for two thirds of its appraised value, to be ascertained as aforesaid.

Mr. Cline called for the ayes and noes, and they were ordered, and the question decided in the affirmative, by ayes 47 to 5 noes.

The members voting in the affirmative are

Messrs. Arrington, Baines, Bateman, Brazil, Burke, Collins, Campbell, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roane, Robertson, Rust, Stewart of Clark, Sullivan, Stout, Thompson, Vaughan, and Mr. Speaker—47.

The members voting in the negative are

Messrs. Blakemore, Conway, Crutchfield, Llewellyn, and Steuart of Desha—5.

Mr. Rust amended by adding section three,

And be it further enacted, That if after the expiration of twelve months from the time the property was first offered and not sold, other property than that first levied upon, be surrendered by the defendant, or his securities, the same shall be sold to the highest bidder without appraisment.

Mr. Robertson called for the previous question, and it was sustained, and the question being put on the final passage of the bill.

Mr. Steuart of Clark, called for the ayes and noes, and they were ordered, and the question decided in the affirmative, by ayes 40 to noes 14.

The members voting in the affirmative are

Messrs. Baines, Bateman, Brazil, Blakemore, Burke, Collins, Campbell, Calvert of Saline, Calvert of St. Francis, Cline, Field, Gaine of Scott, Gaines of Chicot, Haynes, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Milligan, McClain, Nott, Peeler, Parks, Reeves of Crawford, Roane, Robertson, Rust, Steuart of Desha, Sullivan, Stout, Thompson, Vaughan, and Waters—40.

The members voting in the negative are

Messrs. Arrington, Byers, Conway, Crutchfield, Counts, Flanagan, Gibson, Gray, Greenwood, Hanly, Mayers, Miller, Rieves of Crittenden, and Stewart of Clark—14.

So the bill passed, and was transmitted to the Senate.

The bill to provide for the printing and distribution of the acts and journals of this General Assembly," was taken up and read a third time.

Mr. Counts amended by striking out in the first section, last line, the word "*forty*," and inserting the word *sixty*. The blank time allowed the printer for issuing the journals, was to be filled.

Mr. Mayers would fill with six months.

Which was lost.

Mr. Cline would fill with four months.

Which was carried.

The blank number of copies of journals was to be filled.

Mr. Cline would fill with twenty-five hundred.

Which was carried.

Mr. Rust moved to reconsider the vote, and the blank was filled with fifteen hundred copies.

On motion of Mr. Lemoyne, the blank days for the printer to issue the acts of this General Assembly of the adjournment thereof, was to be filled.

Mr. Counts would fill with one hundred and twenty days.

Mr. Humphrey would fill with ninety days.

Mr. Rust proposed sixty days, when the question was put upon the first proposition; which was lost; and the second proposition was adopted.

The question was then upon filling the blank for the number of copies of the Acts.

Mr. Reeves of Crawford, would propose three thousand copies.

Mr. Counts proposed twenty-five hundred copies.

Mr. Mayers proposed two thousand copies.

When the question was put upon the several propositions; when the third proposition was adopted.

On motion of Mr. Crutchfield, the vote upon the time of publication for the journals was reconsidered, and six months inserted in lieu thereof.

The time allowed for the delivering of said journals and acts, after they should be deposited with the Secretary of State, was now to be determined.

Mr. Gaines of Scott proposed ninety days.

Mr. Lemoyne proposed sixty days; which last proposition was adopted.

The number of copies of the journals and acts to be retained in the office of Secretary of State, was to be determined.

Mr. Cline proposed one hundred and seventy.

Which was adopted.

The sum as compensation to the Secretary of the Senate for copying the journals of the Senate, was now to be determined.

Mr. Greenwood proposed three hundred and fifty dollars.

Mr. Rust proposed three hundred dollars.

Mr. Lemoyne proposed two hundred dollars.

Mr. Gray proposed one hundred and fifty dollars.

Mr. Cline proposed one hundred and twenty dollars.

When the question was put on the several propositions, and the compensation was fixed on three hundred dollars.

The sum compensating the Clerk of the House of Representatives, for copying the journals of the House, was now to be determined.

On motion of Mr. Collins, the blank was filled up with five hundred dollars.

The sum to be appropriated for the printing of the journals and acts, was now to be determined.

Mr. Thompson proposed four thousand dollars.

Mr. Blakemore proposed three thousand dollars; which last sum was adopted.

The sum appropriated to defray the expense of distributing the acts and journals, was now to be determined.

Mr. Humphrey proposed six hundred dollars.

Mr. Lemoyne proposed five hundred dollars; when the sum was fixed at six hundred dollars.

The penalty to which the public printer should be liable for non performance of the duties in accordance with this act, was now to be determined.

Mr. Reeves of Crawford proposed three thousand dollars.

Which was adopted.

The bill now passed unanimously, and was transmitted to the Senate.

On motion of Mr. Waters, the House adjourned.

JANUARY 28th, 1843.
Saturday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as chaplain.

Mr. Cocke, from the committee on the judiciary, on leave given,

Reported against the passage of the following bills:

A bill to be entitled an act to amend the 102d chapter of the Revised Statutes of the State of Arkansas, title Ne Exeat.

A bill to be entitled an act to amend the 91st chapter of the Revised Statutes, regulating the limitations of actions as to non residents, and for other purposes.

A bill to be entitled an act supplementary to the laws of the State amending limitations of actions.

A bill to be entitled "an act amendatory of the law of this State, as to bills of exchange, and other negotiable instruments."

A bill to be entitled an act supplementary to the provisions of the Revised Statutes concerning practice at law.

A bill to be entitled an act concerning the payment of fees in certain cases.

A bill to be entitled an act to define the meaning of the 3d section of the 30th chapter of the Revised Statutes, under the title contracts, promises, and agreements.

The committee also reported in favor of the following bills:

A bill to be entitled an act to punish persons for enticing away slaves.

A bill to be entitled an act to explain and amend the Statutes of this State, so far as concerns the granting of appeals in certain cases.

A bill to be entitled an act to repeal the 15th section of a law in the Revised Code, chapter twenty three; and also the bill entitled an act to abolish imprisonment in civil cases, with an amendment to the first section.

Mr. Greenwood, from the select committee to whom was referred the bill entitled "an act to regulate the mode of proceedings on recognizances in criminal cases," on leave given,

Reported the bill back to the House without amendment.

Mr. Hanly, on leave given, introduced a bill entitled "an act to authorise administrators, executors, and guardians appointed under the laws of other States, Territories and Districts, to sue in their representative capacity."

Which was read a first time.

On motion of Mr. Roane, the rules were dispensed with, 41 to 15, and the bill read a second and third time, and passed, and was transmitted to the Senate for their assent.

Mr. Lemoyne, from the committee to whom was referred the bill regulating the time of holding the courts in the several judicial circuits, on leave given,

Reported the same back to the House with several amendments, which were read and adopted.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have assented to the bill from the House entitled "an act for the relief of those persons who have purchased lands from the United States, and have made thereon valuable improvements, the title to which has been confirmed by the United States, to the State of Arkansas, as a portion of the seminary lands," which is herewith returned. And

The Senate have passed "an act entitled an act concerning the surplus revenue distributed to the State of Arkansas by the Congress of the United States," which is herewith transmitted, and the assent of the House is asked thereto.

The Senate have assented to the amendments proposed by the House to the bill of the Senate to be entitled " an act to place the Bank of the State of Arkansas in liquidation," with the following exceptions:

'Amend section 12, by striking out all after the word securities in the 4th line: strike out section 20 of the original bill, and insert in lieu thereof, "*that the said receivers*," *&c.*, *&c*: strike out the 23rd section entirely.

From all which amendments the Senate withhold their assent.

The Senate have, also, added an amendment to the bill which is thereto appended after the word "substitution," at the end of section 31, and to which the assent of the House is asked.

And the Senate have assented to the amendments of the House to the bill from the Senate entitled "an act to settle and liquidate the affairs of the Real Estate Bank of the State of Arkansas."

The bill entitled "an act regulating the time of holding courts in the several judicial circuits," was now taken up and read a third time.

Mr. Gibson would amend by adding the following:

Be it further enacted, That the Governor shall, in all cases, when any judge in this State be disqualified from holding the courts in any of the counties in their respective circuits, from any of the causes or disabilities enumerated and specified in the constitution of this State, appoint some person learned in the law to hold such court, and the person so appointed shall receive as full compensation for holding such courts four dollars per day for each day of actual session of said court, and four dollars for every twenty miles' travel in going to and returning from said court, to be paid out of any money in the treasury, not otherwise appropriated, and the 145th chapter of the revised statutes under the head of special judges, be and the same is hereby repealed.

To which, Mr. Cocke added after the word dollars, for each day he may be in attendance on said court, until the cases he may be appointed to try shall be disposed of, whether he be actually engaged in the trial of said cases or not; which was accepted by the mover.

Mr. Robertson moved to lay the amendment on the table.

Mr. Gibson called for the ayes and noes, and they were ordered, nd the question decided in the negative, by ayes 14, to noes 45.

The members voting in the affirmative, are

Messrs. Collins, Counts, Flanagan, Greenwood, Hanly, Jeffrey, Llewellyn, Mayers, Roane, Robertson, Steuart of Desha, Wiley, and Mr. Speaker—14.

The members voting in the negative, are

Messrs. Arrington, Baines, Byers, Bateman, Brazil, Blakemore, Burke, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Cline, Field, Fancher, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Haynes, Humphrey, Hardwick, Houston, Johnson, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Rust, Stewart of Clark, Sullivan, Stout, Thompson, Vaughan, and Waters—45.

The question was then taken upon the amendment.

Mr. Gibson called for the ayes and noes, and they were ordered, and the question decided in the negative, by ayes 20, to noes 37.

The members voting in the affirmative, are

Messrs. Arrington, Byers, Bateman, Burke, Campbell, Calvert of Saline, Cline, Gibson, Gray, Hardwick, Johnson, Logan, Martin of Franklin, Miller, Milligan, Parks, Reeves of Crawford, Stewart of Clark, Thompson, and Waters—20.

The members voting in the negative, are

Messrs. Brazil, Blakemore, Conway, Collins, Crutchfield, Cocke, Calvert of St. Francis, Counts, Field, Fancher, Flanagan, Finley, Gaines of Chicot, Gaines of Scott, Gage, Greenwood, Haynes, Humphrey, Hanly, Houston, Jeffrey, Llewellyn, Lemoyne, Martin of Pulaski, Mayers, McClain, Nott, Peeler, Roane, Robertson, Rust, Steuart of Desha, Sullivan, Stout, Vaughan, Wiley, and Mr. Speaker—37.

So the amendment was not adopted.

Mr. Rust would strike out the amendment of the committee in the fifth section, and insert the times and places of holding courts in the sixth judical circuit; which amendment was adopted.

Mr. Mclain amended the first section, by changing the time of holding courts in Johnson county.

Mr. Gaines of Scott, called for the previous question, which was sustained, and the question put upon its final passage, and the bill passed, and was transmitted to the Senate.

Mr. Field, from the committee appointed to enquire into the conduct of the Hon. Thomas J. Lacy, the Hon. Daniel Ringo, and his Excellency Governor Yell, on leave given,

Reported as follows:

The select committee appointed to enquire into the conduct of the Hon. T. J. Lacy, the Hon. Daniel Ringo, and his Excellency Governor Yell, have had their cases under consideration, and have instructed me to report, that they have performed much lobor and have endeavored as far as possible to arrive at truth. They have had many witnesses before them, and taken much testimony, and after a careful analysis and examination of it, have concluded that the testimony as disclosed does not warrant either an impeachment or address against Judge Lacy; nor have we examined any testimony concerning the Hon. Daniel Ringo, or his Excellency Governor Yell, calculated to cast any reflection, or the slightest shade of suspicion upon them, and ask to be discharged from the further consideration of the same.

All of which is respectfully submitted.

JNO. FIELD, Chairman.

On motion of Mr. Roane, the orders of the day were taken up.

The bill from the Senate entitled "an act concerning the surplus revenue distributed to the State of Arkansas by Congress of the United States," was taken up and read a first time.

On motion of Mr. Roane, the rules were dispensed with, 43 to 9, and the bill read a second time, when

Mr. Roane amended the bill in the second line of the fourth section, by inserting after the word members, the words, and officers, when the bill was read a third time.

Mr. Gaines of Scott, called for the ayes and noes, and they were ordered, and the question decided in the affirmative, by ayes 31, to to noes 23.

The members voting in the affirmative are,

Messrs. Arrington, Burke, Collins, Campbell, Calvert of St. Francis, Counts, Field, Fancher, Finley, Gage, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Vaughan, and Waters—31.

The members voting in the negative, are

Messrs. Bateman, Brazil, Blakemore, Conway, Crutchfield, Cocke, Calvert of Saline, Cline, Flanagan, Gibson, Gaines of Scott, Gray, Greenwood, Haynes, Humphrey, Hanly, Logan, Martin of Pulaski, Parks, Reeves of Crawford, Rieves of Crittenden, Thompson, and Mr. Speaker—23.

Message from the Governor, by his private secretary, Col. L. J. Reardon, signifying the Executive's approval of a memorial to Congress asking for more military force on the western frontier, approved 27th January, 1843. And a resolution praying Congress for an appropriation of one hundred thousand dollars to open a road from Napoleon via Little Rock, to Fort Smith, on the south side of the Arkansas river, approved 27th January, 1843. Also, a resolution of this General Assembly recommending that the Executive pardon and remit the fine imposed upon James Fears, convicted of manslaughter, approved 27th January, 1843.

"An act for the relief of John O. Young, sheriff and collector of Van Buren county," approved 27th January, 1843; also,

"An act for the relief of Mrs. Lavinia Huddleston, of Hot Spring county," approved 27th January, 1843.

On motion of Mr. Nott, ordered that his vote be recorded in the affirmative on the revenue bill.

The bill of the Senate entitled "an act to put the State Bank of

Arkansas in liquidation," was taken up and the amendment of the House was again read; when

On motion of Mr. Greenwood, the House receded from their several amendments to which the Senate have withheld their assent, and the bill was returned to the Senate with the full assent of the House.

The bill of the House entitled "an act to repeal the 10th section of the 62d chapter of the Revised Statutes," was taken up and read a third time, and passed, and was transmitted to the Senate.

The bill to icorporate Benton academy was taken up and read a first time.

On motion of Mr. Hardwick, the rules were dispensed with 42 to 6, and the bill read a second and third time, and passed, and returned to the Senate.

The bill entitled "an act to change the line between the counties of Pulaski and White," was taken up and read a third time, and passed, and transmitted to the Senate for their assent.

The bill of the Senate entitled "an act for the compensation of the clerks of the county courts," was taken up and read a first time.

On motion of Mr. Flanagan, the rules were dispensed with 42 to 6, and the bill read a second time, and passed, and was returned to the Senate.

The bill entitled " an act requiring the adjutant general to report the strength of the militia of this State, to the proper officer of the general government," was taken up and read a first time.

On motion of Mr. Collins, the rules were dispensed with, 38 to 10, and the bill read a second and third time, and passed, and was returned to the Senate.

The bill entitled "an act to authorize Charles Elliott, to sell real estate, slaves, &c." was taken up and read a first time.

On motion of Mr. Calvert of Saline, the rules were dispensed with, 36 to 12, and the bill was read a second and third time, and passed, and was returned to the Senate.

The bill from the Senate entitled "an act to authorize the payment of certain sums of money to Joseph R. Bettison, and others," was taken up and read a third time, and

Mr. Collins amended by adding a sum of two hundred dollars to be allowed to the Secretary of State, as compensation for extra services, as required in the land bill; which amendment was adopted, and the bill passed, and was returned to the Senate.

The bill entitled an act to legalize the senatorial district, composed of the counties of Jackson, White, and Monroe, by attaching to Monroe county, a part of the township lying between the counties of White and Monroe, and thereby making the territory composing the district contiguous, was taken up and read a first time, and ordered to a second reading.

The bill entitled "an act to repeal all laws that relate to county surveyor," was taken up and read a second time.

On motion of Mr. Lemoyne, was laid on the table.

The bill entitled "an act to repeal an act entitled an act to amend the law in relation to gaming, approved 19th December, 1840, and for other purposes," was taken up and read a third time, and passed, and transmitted to the Senate.

On motion of Mr. Finley, the House adjourned.

JANUARY 30th, 1843.
Monday morning, 9 *o'clock.*

The House met pursuant to adjournment.

Chaplain absent.

Mr. Cline, from the committee on the Penitentiary, on leave given, *Reported.*

Which report will be found in the appendix of the printed Journals.

And proposed the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the inspectors of the Penitentiary be, and they are hereby required to make such rules and regulations for the guardian of the agent, or superintendant of the Penitentiary, compatible with the safe keeping of the convicts therein confined, as will have a tendency to ensure the comfort, health, and humane treatment of said convicts, and a sufficient sum of money is hereby appropriated for said purpose, and placed under the control of the governor, who is hereby directed to have this resolution carried into effect, when

Mr. Collins offered the following amendment:

Be it further resolved; That each convict, on his leaving the Penitentiary, be furnished by the agent with a sufficient sum of money to pay his expenses to the county in which he was sentenced; which was adopted.

Onmotion of Mr. Crutchfield, the rules were dispensed with, 48 to 2, and the resolution was read, and adopted.

Mr. Gibson, from the committee to whom was referred the bill entitled "an act to establish a system of common schools in the State of Arkansas," on leave given,

Reported the same back to the House, recommending several amendments: which amendments were adopted, when

The bill was read a third time, and passed, and was transmitted to the Senate for their assent.

Mr. Conway, from the committee to whom was referred the bill entitled "an act to repeal the 130th chapter of the Revised Code, and for other purposes, on leave given,

Reported that the substance matter of the bill is contained in another bill, and that the committee deem it superfluous. Also,

A bill entitled "an act relating to public roads, and the overseers thereon," with several amendments. which were read and adopted, and the bill read a third time, and passed, and was transmitted to the Senate.

Also, a bill entitled "an act to authorize judges of the several circuit courts to exchange circuits, recommending an amendment to the second section, which amendment was adopted, and the bill was read a third time, and passed, and was transmitted to the Senate.

Mr. Humphrey offered the following resolution:

Be it resolved by the General Assembly of the State of Arkansas, That the General Assembly adjourn *sine die*, on Wednesday next, the first day of February next, 1843, and that the concurrence of the House be asked, which was read, and laid on the table.

Mr. Llewellyn, on leave introduced a bill entitled "an act supplementary to an act to place the Bank of the State of Arkansas in liquidation," which was read a first time.

On motion of Mr. Cocke, the rules were dispensed with, 40 to 9, and the bill read a second time.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed the following entitled bills, to wit:

"An act to authorize non-residents of this State, and others, owning lands and town lots in counties in which they shall not reside, to pay taxes upon such lands and town lots directly into the State Treasury, should they prefer so to do."

"An act to amend the law in relation to toll bridges," which are herewith returned and the assent of the House is invited thereto.

The Senate assented to the bill from the House entitled "an act to lease out the salt springs belonging to the State of Arkansas," and "An act concerning the lien of Mechanics," which are herewith returned.

I am, also, instructed to inform your honorable body that the Senate have disagreed to the first amendment, and have concurred in the second amendment of the House, to the bill from the Senate entitled "an act amendatory and explanatory of an act entitled an act to regulate the sale of property on executions," approved December 23rd, A. D. 1840, which is herewith returned.

The Senate have passed "a resolution to amend the Constitution of the State of Arkansas," and

"A memorial to Congress praying relief for settlers from Missouri, and Arkansas, under the act of May 6th, 1824," both which are herewith transmitted, and the concurrence of the House is asked thereto.

The Senate have concurred in the resolution from the House, proposing amendments to the Constitution of this State," which are herewith returned.

The Senate have assented to the amendments of the House to the bill from the Senate entitled "an act concerning the surplus revenue distributed to the State of Arkansas by the Congress of the United States."

The Senate have concurred in the amendments of the House to the bill from the Senate entitled "an act allowing compensation to agents appointed by the Governor to select and locate a portion of the 500,000 acres of land donated by Congress to the State of Arkansas."

Mr. Crutchfield, on leave given, introduced an act to encourage the farmers of this State to cultivate and raise wheat, which was read a first time, and ordered to a second reading.

Mr. Gibson, from the committee to whom was referred the bill entitled an act for the relief of A. E. Ashbrooks," on leave given, *Reported* the same back to the House by substitute, which was read a first time and ordered to a second reading.

Mr. Collins introduced the following resolution:

Resolved that from this time no more bills shall be introduced in the House during the present session, except those reported from committees; which resolution was read and adopted.

Mr. Gaines of Scott, offered the following joint resolution:

Be it resolved by the General Assembly of the State of Arkansas, That the Secretary of State be authorized and directed to call upon Mr. Charles P. Bertrand, who acted as secretary to the convention which formed the constitution of the State of Arkansas, and obtain from him all the books and papers in his possession containing the proceedings of the convention, and the same carefully filed in the office of the Secretary of State, there to remain as a part of the archieves of the State; which resolution was read and laid on the table till to-morrow.

On motion of Mr. Humphrey, the orders of the day were taken up.

The bill entitled "an act amendatory and explanatory of an act entitled an act to regulate the sale of property on executions," approved 23rd December, 1840," as returned from the Senate with the Senate's disagreement to the amendment of the House to the the second section.

On motion of Mr. Arrington, the House adhered to their amendment.

Mr. Llewellyn moved to reconsider the vote on the adherence of the House to their amendment; which motion was lost.

The bill entitled "an act to repeal the 15th section of a law in the Revised Code, chapter 23," was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the Senate entitled an act regulating the mode of proceedings on recognizances in criminal cases, was taken up and read a third time and passed, and was transmitted to the Senate.

The bill of the Senate entitled an act to punish persons for enticing away slaves," was taken and read a third time and passed, and was transmitted to the Senate.

The bill entitled "an act creating the office of Attorney General of the State of Arkansas," was taken up and read a first time.

On motion of Mr. Mayers, the rules were dispensed with, 34 to 8, and the bill read a second time.

On motion of Mr. Mayers, the bill was referred to a committee of three consisting of

Messrs. Mayers, Reives of Crittenden, and Calvert of Saline.

The bill to be entitled "an act to repeal the sixth section of an act to extend the powers of the Mayor and Aldermen of the city of Little Rock," approved December 21st, 1840, was taken up and read a first time.

On motion of Mr. Martin of Pulaski, the rules were dispensed with, 34 to 12, and the bill read a second and third time, and passed, and returned to the Senate.

The bill entitled "an act to authorize the Governor to sell and dispose of two quarter sections of land," was taken up and read a first time.

On motion of Mr. Rieves of Crittenden, the rules were dispensed with, 37 to 6, and the bill read a second and third time, and passed, and was transmitted to the Senate.

The bill entitled "an act for the relief of Samuel Adams," was taken up and read a first time.

On motion of Mr. Greenwood, the rules were dispensed with, 47 to 2, and the bill was read a second and third third time, and passed, and returned to the Senate.

The bill entitled "an act to distribute to the several counties of this State, copies of documents, Legislative, and Executive, of Congress of the United States, in relation to public lands," was read a first time, and

On motion of Mr. Conway, the rules were dispensed with, 47 to 1, and the bill read a second and third time, and passed, and was returned to the Senate.

The bill from the Senate entitled "an act fixing the salary, and prescribing the duties of commissioner of public buildings," was taken up and read a first time.

On motion of Mr. Collins, the rules were dispensed with, 42 to 8, and the bill read a second time.

Mr. Counts would amend the first section, by striking out three hundred and five dollars, and insert four hundred in lieu.

Which motion was lost.

On motion of Mr. Greenwood, the rules were dispensed with, 45 to 7, and the bill read a third time and passed, and was returned to the Senate.

The memorial to Congress, asking for an appropriation to complete the *levee* on the MIssissippi river in Chicot county, was taken up and read a first time.

On motion of Mr. Llewellyn, the rules were dispensed with, 45 to

9, and the memorial was read a second and third time, and passed, and returned to the Senate.

The bill from the Senate entitled "an act to amend the practice at law," was taken up and read a first time.

On motion of Mr. Conway, the rules were dispensed with, 40 to 11, and the bill read a second and third time.

Mr. Hardwick would amend by adding a separate section.

Be it further enacted, That the sixth section of the ninety-first chapter of the Revised Statutes be, and the same is hereby repealed."

When, on motion of Mr. Greenwood, was laid on the table.

On motion of Mr. Mayers, the bill was laid on the table.

The bill entitled "an act to explain and amend the Statutes of this State, so far as concerns the granting of appeals in certain cases," was taken up and read a third time, and passed, and was transmitted to Senate.

The bill entitled "an act to abolish imprisonment in civil cases," was taken up and read a third time.

Mr. McClain called for the ayes and noes, and they were ordered, and the question stated and was decided by ayes 50 to noes 1.

The members voting in the affirmative are

Messrs. Arrington, Bateman, Brazil, Blakemore, Conway, Collins, Crutchfield, Campbell, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Stewart of Clark, Steuart of Desha, Stout, Thompson, Vaughan, Waters, Wiley, and Mr. Speaker—50.

The member voting in the negative are

Mr. Burke—1.

So the bill passed and was transmitted to the Senate.

The bill entitled "an act to authorise a geological survey and examination of the State of Arkansas," was taken up and read a third time.

Mr. Cocke called for the ayes and noes, and they were ordered, and the question decided in the affirmative by ayes 37 to noes 14.

The members voting in the affirmative are

Messrs. Arrington, Byers, Bateman, Brazil, Burke, Conway, Campbell, Crutchfield, Cocke, Calvert of St. Francis, Counts, Cline, Cook, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Haynes, Hanly, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Mayers, McClain, Peeler, Parks, Reeves of Crawford, Roane, Stewart of Clark, Stout, Thompson, and Waters—37.

The members voting in the negative are

Messrs. Blakemore Calvert of Saline, Gage, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Miller, Milligan, Rieves of Crittenden, Steuart of Desha, Vaughan, and Wiley—14.

So the bill passed and was transmitted to the Senate.

On motion of Mr. Llewellyn, the House adjourned.

JANUARY 31st, 1843.
Tuesday morning, 9 *o'clock*.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as Chaplain.

On motion of Mr. Burke, ordered that his vote of yesterday be changed from the negative, and recorded in the affirmative, on the bill entitled "an act to abolish imprisonment in civil cases."

Mr. Greenwood, from the committee on enrollments, on leave given,

Reported correctly enrolled the bills entitled "an act for the relief of those persons who have purchased lands from the United States, the title of which has been confirmed to the State of Arkansas, as a portion of the Seminary lands."

"An act to lease out the Salt Springs, belonging to the State of Arkansas;" and

"An act concerning the lien of mechanics."

Also a resolution proposing two amendments to the constitution of this State."

Mr. Rieves of Crittenden, from the committee to whom was referred the Governor's special message concerning the removal of the obstructions in the several rivers of Arkansas, and particularly the Mississippi, on leave given,

Reported by memorial to Congress of the United States, asking for an appropriation for that purpose; which was read a first time.

On motion of Mr. Collins, the rules were dispensed with, 44 to 6, and the memorial read a second and third time, and passed, and was transmitted to the Senate.

Mr. Mayers, from the committee to whom was referred the bill entitled "an act concerning the office of Attorney General, on leave given,

Reported the same back to the House, without amendment, and recommended the passage of the same, which was read a third time, and passed, and returned to the Senate.

Mr. Mayers offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the sum of blank dollars be, and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the payment of the Reverend Clergy, that have officiated as chaplain during the present session of the General Assembly; which was read and laid on the table for one day.

Mr. Cocke, from the committee on the judiciary, on leave given,

Reported in faver of the bill entitled "an act amendatory of the acts in force concerning the practice and decisions of the Supreme Court;" and against the bill entitled "an act to afford a more speedy remedy in cases of assault and battery."

When the bill entitled "an act to amend the law in force concerning the practice at law, and decisions of the Suprme Court," was read a third time, and passed, and was transmitted to the Senate.

Mr. Gaines of Scott, offered a resolution authorising the Secretary of State to receive bids from the several printers, for the publication of the acts and journals of this General Assembly, which was read and laid on the table for one day.

On motion of Mr. Miller, the orders of the day were taken up.

The bill entitled "an act for the better organization of the militia of this State," was taken up.

On motion of Mr. Campbell, was read a first time; and

On motion of Mr. Miller, the rules were dispensed with, 40 to 2, and the bill read a second time.

Mr. Campbell amended by adding two separate sections, when the bill was read a third time, and passed, and was transmitted to the Senate.

The bill entitled "an act to legalize the Senatorial district, composed of the counties of Jackson, White, and Monroe," was taken up and read a second time, and ordered to a third reading.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed the following entitled bills:

"An act to found a board of education for the State of Arkansas."

"An act supplementary to an act entitled an act for the benefit of such persons as have settled on or made improvements on the public lands in this State, and also for such persons as may hereafter settle on and improve said lands: approved 31st Dec. 1842.

Both which are herewith transmitted, and the assent of the House is asked thereto.

The Senate have assented to the bills from House entitled

"An act to legalize the location of the seat of justice of Pope county, and for other purposes;" and

"An act to repeal an act entitled an act to amend the law in relation to gaming, approved 17th December, 1840, and for other purposes;" and

"An act to autherise administrators, executors, and guardians, appointed under the laws of other States, Territories, and Districts, to sue in their representative capacity in this State."

All which are herewith returned.

The Senate have concurred in the amendment of the House to the bill from the Senate entitled

"An act authorising the payment of certain sums of money to Joseph R. Bettison, and others."

The Senate have also concurred in the three amendments of the House to the bill from the Senate entitled

"An act prescribing the time of holding the circuit courts for the several judicial circuits."

The bill entitled "an act to authorise non-residents of this State and others, to pay their taxes directly into the treasury of this State," was taken up and read a first time; and

On motion of Mr. Greenwood, the rules were dispensed with, 45 to 9, and the bill read a second time.

Mr. Gibson would add a separate section:

That all improvements upon any lands or town lots in this State, the title to which has been confirmed by the Government of the United States, by receivers' receipt or patent, shall be taken into the estimate and considered as a part of said land or town lots, in appraising said land or town lots for the purpose of taxation, and that any law contrary to, or inconsistent with, the provisions of this act be and the same is hereby repealed.

On motion of Mr. Hanly, the amendment was rejected.

Mr. Lemoyne moved to lay the bill on the table.

Mr. Robertson called for the ayes and noes, and they were ordered, and the question decided in the affirmative, by ayes 35, to noes 18.

The members voting in the affirmative, are

Messrs. Arrington, Baines, Byers, Bateman, Collins, Campbell, Gaines of Scott, Gage, Haynes, Humphrey, Jeffrey, Lemoyne, Logan, Parks, Reeves of Crawford, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Stout, Thompson, Vaughan, and Wiley—35.

The members voting in the negative, are

Messrs. Blakemore, Burke, Conway, Crutchfield, Cocke, Flanagan, Gibson, Gray, Greenwood, Johnson, Llewellyn, Martin of Pulaski, Mayers, Nott, Rieves of Crittenden, Sullivan, Waters, and Mr. Speaker—18.

So the bill was laid on the table.

On motion of Mr. Sullivan, the House adjourned.

FEBRUARY 1st, 1843.
Wednesday morning, 9 o'clock.

The House met pursuant to adjournment.

The Rev. Mr. Kern officiated as Chaplain.

Mr. Greenwood, from the committee on enrollments, on leave given, *Reported* correctly enrolled:

"An act to legalize the location of the county seat of Pope county, and for other purposes."

"An act to repeal an act entitled an act to amend the law in relation to gaming, approved 19th December, 1840, and for other purposes;" also, "An act to authorize administrators, executors, and guardians, appointed under the laws of other States, Territories, and Districts, to sue in their representative capacity in this State.

Mr. McClain, from the committee to whom was referred the bill entitled "an act to remove the seat of government from Little Rock to Clarksville, in Johnson county," on leave given,

Reported the bill back to the House without amendment, and recommended its passage.

Mr. Hanly, from the minority of said committee, on leave given,

Reported against the expediency of the provisions of said bill, alleging the same to have been entirely for home consumption.

Mr. Mayers moved to lay the two reports upon the table till July next.

Mr. McClain called for the ayes and noes, and they were ordered, and the question was decided in the affirmative, by ayes 31, to noes 27.

The members voting in the affirmative, are

Messrs. Byers, Brazil, Blakemore, Burke, Conway, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Field, Fancher, Flanagan, Gibson, Gaines of Scott, Hanly, Jeffrey, Llewellyn, Lemoyne, Martin of Pulaski, Mayers, Milligan, Nott, Roane, Rust, Stewart of Clark, Stout, Vaughan, Waters, Wiley, and Mr. Speaker—31.

The members voting in the negative, are

Messrs. Arrington, Baines, Collins, Campbell, Cline, Finley, Gaines of Chicot, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Johnson, Logan, Martin of Franklin, Miller, McClain, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Robertson, Steuart of Desha, Sullivan, Thompson—27.

So the reports were laid on the table.

On motion of Mr. Rust, the orders of the day were taken up.

The bill entitled "an act supplementary to an act to place the Bank of the State of Arkansas in liquidation," was taken up and read a third time.

Mr. Rust would amend by adding a separate section; to which,

Mr. Byers offered to amend by striking out one thousand and inserting five hundred dollars as salary of clerk to the Financial Receiver at Little Rock; which was carried, and the amendment as amended was adopted, and the bill passed, and was transmitted to the Senate.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill from the House entitled "an act to repeal the 10th section of the 62d chapter of the Revised Code, and for other purposes," and have added to the same certain amendments, which are thereunto appended, and herewith returned to the House.

The Senate have concurred in the following amendments of the House to the bill from the Senate entitled "an act to establish a system of common schools in the State of Arkansas," to wit: In the first amendment inserting the words "*in which there is a sixteenth section*;

between the 7th and 8th lines of the 1st section;" also, in the amendment adding the enforcing section, 47, to the bill. And the Senate have disagreed to all the other amendments of the House to said bill, which is herewith returned.

The Senate have assented to the bill from the House entitled "an act to authorise a geological examination of the State of Arkansas," which is herewith returned.

The Senate have passed the following joint resolution:

Resolved, That the two Houses of the General Assembly go into the election of Auditor and Treasurer for the State, a Bank Commissioner, and five Trustees, as provided for in an act to settle and liquidate the affairs of the Real Estate Bank and Branches, Receivers and Attorneys for the Bank of the State of Arkansas, and its Branches, as provided for in an act to place the above mentioned Banks in liquidation, a Commissioner of Public Buildings; also, a Mineralogist for the State of Arkansas, on to-morrow, at 10 o'clock, A. M., and that the House of Representatives be requested to concur in the foregoing resolution.

The resolution from the Senate instructing our Senators and requesting our Representative in Congress to use their exertions to pass a law authorizing the Governor of the State to locate other lands in place of the one hundred and sixty acres donated to the State, and not located, under the act of the 15th June, 1832, was taken up and read a first time.

On motion of Mr. Counts, the rules were dispensed with, and the resolution read a second and third time, and passed, and was returned to the Senate.

The resolution of yesterday appropriating for compensating the Clergy who have officiated as Chaplain during this session, was taken up, and the blank,

On motion of Mr. Collins, was filled with one hundred dollars, and the resolution was read a third time, and

Mr. Mayers called for the ayes and noes, and they were ordered, and the question decided in the affirmative, by ayes 35, to noes 16.

The members voting in the affirmative, are

Messrs. Arrington, Byers, Bateman, Blakemore, Burke, Collins, Crutchfield, Cocke, Counts, Cline, Cook, Field, Gray, Greenwood, Haynes, Hanly, Llewellyn, Martin of Pulaski, Mayers, Miller, McClain, Peeler, Reeves of Crawford, Rust, Stewart of Clark, Steuart of Desha, Stout, Thompson, Waters, Wiley, and Mr. Speaker—35.

The members voting in the negative, are

Messrs. Brazil, Campbell, Calvert of Saline, Calvert of St. Francis, Gibson, Gaines of Scott, Gray, Humphrey, Hardwick, Jeffrey, Johnson, Logan, Milligan, Parks, Rieves of Crittenden, Robertson, and Vaughan—16.

So the resolution passed, and was transmitted to the Senate.

Mr. Baines and Mr. Martin of Franklin, was excused from voting.

Message from the Governor by his private Secretary, Col. A. B.

Greenwood, signifying the Executive's approval of a resolution proposing amendment to the Constitution on the subject of banks, and the jurisdiction of justices of the peace, approved 31st January, 1843.

"An act concerning the lien of mechanics," approved 31st January, 1843.

"An act for the leasing out the salt springs of the State of Arkansas," approved 31st January, 1843, also

"An act for the relief of the purchasers of a portion of the seminary lands in this State," approved 31st January, 1843.

The bill of the Senate to found a board of education for the State of Arkansas," was taken up and read a first time.

On motion of Mr. Field, the rules were dispensed with, 36 to 12, and the bill read a second and third time and passed, and was transmitted to the Senate.

The bill entitled "an act to prohibit certain persons from acting as Directors of the Real Estate Bank," was read a first time.

On motion of Mr. Roane, was rejected.

The bill entitled "an act to encourage the cultivation of wheat," was taken up and read a second time.

Mr. Humphrey moved to lay the bill on the table.

Mr. Crutchfield called for the ayes and noes, and they were ordered, and the question decided in the affirmative, by ayes 34 to noes 22.

The members voting in the affirmative are

Messrs. Bateman, Brazil, Blakemore, Burke, Collins, Cocke, Calvert of St. Francis, Counts, Cook, Fancher, Flanagan, Finley, Gaines of Chicot, Gaines of Scott, Gage, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Martin of Franklin, Milligan, Nott, Peeler, Rieves of Crittenden, Robertson, Stewart of Clark, Steuart of Desha, Stout, Vaughan, and Wiley—36.

The members voting in the negative, are

Messrs. Arrington, Byers, Crutchfield, Calvert of Saline, Cline, Gibson, Gray, Haynes, Hanly, Lemoyne, Logan, Martin of Pulaski, Mayers, Miller, McClain, Parks, Reeves of Crawford, Roane, Sullivan, Thompson, Waters, and Mr. Speaker—22.

So the bill was laid on the table.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have taken up, reconsidered, and passed a bill entitled "an act concerning the surplus revenue distributed to the State of Arkansas by the Congress of the United States," which is herewith transmitted for the further constitutional action and concurrence.

The question was then put upon the passage of the bill.

The ayes and noes were ordered, and the question decided in the affirmative, by ayes 40 to noes 20.

The members voting in the affirmative are

Messrs. Arrington, Baines, Byers, Brazil, Burke, Collins, Campbell, Calvert of St. Francis, Counts, Cook, Field, Fancher, Finley, Gibson, Gaines of Chicot, Gage, Haynes, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Peeler, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Vaughan, Waters, and Wiley—40.

The members voting in the negative are

Messrs. Bateman, Blakemore, Conway, Crutchfield, Cocke, Calvert of Saline, Cline, Flanagan, Gaines of Scott, Gray, Greenwood, Humphrey, Hanly, Logan, Martin of Pulaski, Parks, Reeves of Crawford, Rieves of Crittenden, Thompson, and Mr. Speaker—20.

So the bill having been reconsidered, and passed both Houses, by the constitutional majority became a law.

On motion of Mr. Collins, the House went into recess till half past 2 o'clock.

Evening Session, half past 2 o'clock, P. M.

The House was called to order by the Speaker.

The bill from the Senate to establish a system of common schools, was taken up and the amendments proposed by the House, which were disagreed to in the Senate, on motion of Mr. Baines, were receded from by the House, and the bill returned to the Senate.

The bill entitled "an act supplementary to an act concerning settlers on public lands," was taken up and read a first time.

On motion of Mr. Rust, the rules were dispensed with, 45 to 9, and the bill read a second and third time, and passed, and was transmitted to the Senate.

Message from the Governor by his private Secretary, Col. A. B. Greenwood, signifying the Executive's approval of "an act authorising the executors and administrators of other States to sue in this State, &c., approved 1st February, 1843.

"An act to legalize the location of the county seat of Pope county, and for other purposes," approved 1st February, 1843.

Also "an act to repeal an act entitled an act to amend the law in relation to gaming, approved 19th December, 1840, and for other purposes," approved 1st February, 1843.

Mr. Greenwood, on leave given,

Reported correctly enrolled the bill entitled an act to authorize a Geological Examination of the State of Arkansas.

Mr. Gibson offered the following resolution:

Resolved, That the two Houses of this General Assembly will adjourn *sine die*, on Friday, the third day of February inst., and the Senate be requested to concur herein, which was read; and

On motion of Mr. McClain, the rules were dispensed with, and the resolution passed, and was transmitted to the Senate.

The resolution of the Senate proposing to go into the election of Auditor, Treasurer, and Bank Officers, on to-morrow at 10 o'clock, A. M., was taken, and read, and passed, and was returned to the Senate.

The bill from the Senate entitled "an act for the relief of grand and pettit jurors and witnesses," was taken up and read a first time.

On motion of Mr. Finley, the rules were dispensed with, 40 to 8, and the bill read a second time.

Mr. Hanly amended the third section.

Mr. Greenwood amended by adding two separate sections.

On motion of Mr. Rust, the House adjourned.

FEBRUARY 2nd, 1843.
Wednesday morning, 9 *o'clock*.

The House met pursuant to adjournment.

On motion of Mr. Haynes, the orders of the day were taken up.

The bill entitled "an act to amend an act to encourage the killing of wolves in this State," approved 17th December, 1838, was taken up and read a first time, and

On motion of Mr. Collins, the rules were dispensed with, 42 to 12, and the bill read a second time.

Mr. Rust amended by adding:

And be it further enacted, That the county courts of the county of Ouachita, be holden on the first Monday of April, July, October, and January, in each and every year, when the bill was read a third time and passed.

The bill of the House entitled an act for the printing of the Journals and Acts of this General Assembly, was taken up and the amendments of the Senate were read, and

On motion of Mr. Collins, the House dissented from the amendments of the Senate to the 1st and 6th sections; when a committee of conference was appointed consisting of

Messrs. Greenwood, Collins, and Mayers.

Mr. Gibson offered the following:

Resolved, That no Senator, or Representative, shall be elected or appointed to any civil office which has been created, or the emoluments of which have been increased during the present session of the General Assembly.

Mr. Gibson called for the ayes and noes, and they were ordered, and the question decided in the affirmative, by ayes 32 to noes 14.

The members voting in the negative are

Messrs. Blakemore, Calvert of Saline, Gage, Greenwood, Humphrey, Hanly, Mayers, Milligan, Rieves of Crittenden, Stewart of Clark, Stout, Vaughan, Wiley, and Mr. Speaker—14.

The members voting in the affirmative are

Messrs. Arrington, Byers, Bateman, Burke, Campbell, Cocke, Calvert of St. Francis, Counts, Cline, Cook, Flanagan, Finley, Gibson, Gaines of Scott, Gray, Haynes, Hardwick, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Franklin, Miller, Nott, Peeler, Reeves of Crawford, Roberts, Rust, Steuart of Desha, Sullivan, and Thompson—32.

The resolution from the Senate as follows:

Resolved by the General Assembly of the State of Arkansas, That the quit claim deed executed by Roswell Beebe and wife, on the 22d day of January, 1843, to Archibald Yell, Governor of the State of Arkansas, and his successors in office, in trust for the square of ground upon which the public buildings in the city of Little Rock are situate, be and the same is hereby accepted, and the Governor is hereby authorised to cause the same to be duly recorded in the proper office in Pulaski county, in this State, was taken up and read, and the question was put upon the adoption of the resolution.

Mr. Gibson opposing, called for the ayes and noes, and they were ordered, and the Clerk was about proceeding in the call, when a discussion ensued; and

Mr. Gibson called for the reading of the deed referred to in the resolution, when

The Speaker called the gentleman to order, deciding that the reading of the deed was out of order, after a call had been ordered for the ayes and noes, and the adoption of the resolution; whereupon

Mr. Gibson appealed from the decision of the chair, avowing that it was in order to call for the reading of the deed at that that time, and called for the ayes and noes, and they were ordered, and the House dissented from the decision of the chair, and sustained the apppeal, by ayes 20, to noes 22, againt said decision.

The members voting in the affirmative, are

Messrs. Bateman, Blakemore, Crutchfield, Gaines of Scott, Gray, Gage, Haynes, Humphrey, Hardwick, Houston, Johnson, Mayers, Milligan, McClain, Rieves of Crittenden, Robertson, Stewart of Clark, Stout, Vaughan, and Wiley—20.

The members voting in the negative, are

Messrs. Byers, Burke, Campbell, Cocke, Calvert of St. Francis, Cline, Cook, Flanagan, Gibson, Gaines of Chicot, Jeffrey, Llewellyn, Logan, Martin of Pulaski, Martin of Franklin, Nott, Parks, Reeves of Crawford, Roberts, Rust, Steuart of Desha, Sullivan, Thompson—22.

By which call, it was ascertained that a quorum was not voting.

On motion of Mr. Mayers, a call of the House was ordered, at five minutes before 12 o'clock.

Mr. Steuart of Desha, was called to the chair.

The Sergeant-at-Arms was sent for the absentees.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following resolution:

Resolved, That the resolution requiring the two Houses to go into the election of Auditor and Treasurer for the State, a Bank Commissioner, and five Trustees, as provided for in an act to settle and liquidate the affairs of the Real Estate Bank, and Branches, Receivers, and Attorneys, for the Bank of the State of Arkansas, and its Branches, as provided for in an act to place the above mentioned Branches in liquidation, a Commissioner of Public Buildings; also, a Geologist for the State of Arkansas, at 10 o'clock, A. M., on this day, be rescinded, and that this day at 3 o'clock, P. M., be fixed upon for the purpose of going into the elections as aforesaid; and the concurrence of the House is asked thereto.

The Senate have assented to the bill from the House entitled "an act to change the line between the counties of Pulaski and White," with an amendment of the Senate, herewith appended and herewith returned.

The Senate have assented to the bill from the House entitled "an act to provide for the printing and distribution of the acts and journals of the General Assembly, and have added thereto certain amendments, which are appended to the bill, and therewith returned.

The Senate have adopted the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the Governor be respectfully requested to grant a reprieve to Benjamin Fuller, now confined in the penitentiary; and the concurrence of the House is asked.

The bill of the House entitled "an act to alter the line between the counties of Pulaski and White," was taken up, and the amendment from the Senate agreed to.

The resolution of the Senate proposing to go into the election of Auditor and Treasurer, and the several other officers, was taken up and read; and

Mr. Crutchfield amended by adding:

"*And be it further resolved*, That the two Houses at the same time go into the election of Inspectors of the Penitentiary," when the resolution as amended was adopted.

Mr. Rust offered the following resolution:

Resolved, That any member who absents himself from this House until the House adjourn *sine die*, without leave of the House, or on account of illness, or shall be absent when the ayes and noes are called upon any question, shall forfeit to the State one days' pay for every time he may be so absent.

Mr. Martin of Pulaski, moved to lay the resolution on the table.

Which was carried.

On motion of Mr. Crutchfield, leave of absence was granted to Mr. Miller, for the remainder of the session.

Mr. Mayers, from the committee of conference, on the amendments to the bill of the House entitled "an act providing for the printing of the acts and journals of this General Assembly, on leave given,

Reported an agreement in conference, to fix compensation for the copying of the journals of the Senate at two hundred and fifty dollars, and the compensation for the copying of the journals of the House of Representatives at three hundred and fifty dollars, and the time each copy shall be delivered to the Public Printer, at sixty days after the adjournment of both Houses of this Legislature, and recommended its adoption.

On motion of Mr. Hardwick, a committee of three was appointed to go into conference on the adherence of the House to their amendments to the bill of the Senate concerning property under execution.

Whereupon, the Speaker appointed

Messrs. Hardwick, Humphrey, and Wiley, as such committee.

Twenty minutes to one o'clock,

The Sergeant-at-Arms having returned with absent members, the House now proceeded to act upon the suspended business, by the call of the House, when

The question was again put upon the appeal from the decision of the chair.

The members voting in the affirmative, are

Messrs. Blakemore, Conway, Crutchfield, Calvert of Saline, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Houston, Mayers, Milligan, Rieves of Crittenden, Robertson, Stewart of Clark, Stout, Vaughan, and Wiley—21.

The members voting in the negative, are

Messrs. Baines, Byers, Bateman, Burke, Collins, Cocke, Calvert of St. Francis, Counts, Cline, Flanagan, Gibson, Gaines of Chicot, Jeffrey, Llewellyn, Logan, Martin of Pulaski, Martin of Franklin, Miller, Nott, Peeler, Parks, Reeves of Crawford, Rust, Steuart of Desha, Thompson, Waters—26.

So the House did not sustain the decision of the chair; when the deed was taken up and read.

Mr. Gibson, on leave, withdrew his call for the ayes and noes, on the adoption of the resolution.

Mr. Rust moved to refer the matter to a select committee, and called for the ayes and noes on the committal of the resolution and deed, which were ordered, and the question decided by ayes 24, to noes 24.

So the motion was lost.

The members voting in the affirmative, are

Messrs. Baines, Byers, Bateman, Blakemore, Burke, Collins, Campbell, Cocke, Counts, Cline, Cook, Finley, Gibson, Gaines of Chicot, Haynes, Llewellyn, Logan, Martin of Franklin, Nott, Peeler, Parks, Rust, Stewart of Clark, Stewart of Desha—24.

The members voting in the negative are

Messrs. Crutchfield, Calvert of Saline, Calvert of St. Francis, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Hardwick, Jeffrey, Johnson, Martin of Pulaski, Mayers, Milligan, Reeves of Crawford, Rieves of Crittenden, Roberts, Stout, Thompson, Vaughan, Wiley, and Mr. Speaker—24.

Mr. Greenwood from the committee on enrollments, on leave given,

Reported correctly enrolled "an act to repeal the 10th section of the 62d chapter of the Revised Code, and for other purposes."

The Speaker resumed the chair, and addressed the House, at the end of which address, he tendered to the House his resignation, and retired.

Mr. Greenwood was called to the chair.

When nominations were in order for the office of Speaker, *vice* Mr. Oldham, resigned.

When the roll was called and the unanimous vote of 45 members present elected Mr. Greenwood Speaker of the House of Representatives for the residue of the session.

The members voting for Mr. Greenwood are

Messrs. Baines, Byers, Bateman, Blakemore, Burke, Collins, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Haynes, Hardwick, Jeffrey, Johnson, Logan, Martin of Franklin, Mayers, Milligan, Nott, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Robertson, Rust, Stewart of Clark, Stewart of Desha, Stout, Thompson, Vaughan, and Wiley—45.

Whereupon Mr. Greenwood arose and addressed the House in a very neat and appropriate manner, suitable for the occasion, and entered upon the duties of his office of Speaker of the House of Representatives, by calling the House to order.

Mr. Martin of Franklin offered the following:

Resolved, That the thanks of the members of the House of Representatives of the present General Assembly, be tendered to the Hon. W. S. Oldham, Speaker of the House of Representatives, for the able, patient, impartial, and unwavering manner in which he has presided over the deliberations of the House of Representatives of the State of Arkansas, at the present session of the General Assembly.

Which resolution was adopted.

On motion of Mr. Hardwick, ordered that the House go into recess until half past two o'clock, P. M.

Evening Session, half past 2 o'clock, P. M.

The House came to order.

The bill from the Senate entitled "an act for the relief of grand and petit jurors, and witnesses;" was taken up and read a third time.

Mr. Hanly amended the bill by adding a separate section.

The question was now put on the passage of the bill.

Mr. Mayers called for the ayes and noes, and they were ordered, and the question decided in the negative by ayes 15 to noes 29.

The members voting in the affirmative are

Messrs. Bateman, Burke, Collins, Crutchfield, Cocke, Finley, Gibson, Gray, Hanly, Johnson, Martin of Pulaski, Martin of Franklin, Miller, Rieves of Crittenden, and Robertson—15.

The members voting in the negative are

Messrs. Baines, Blakemore, Campbell, Calvert of Saline, Calvert of St. Francis, Counts, Cook, Fancher, Flanagan, Gaines of Scott, Gage, Humphrey, Hardwick, Jeffrey, Llewellyn, Mayers, Milligan, Nott, Oldham, Peeler, Reeves of Crawford, Roberts, Roane, Rust, Steuart of Desha, Stout, Thompson, Vaughan, and Mr. Speaker—29.

So the bill was lost.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following resolution:

Resolved, That the resolution requiring the two Houses to go into the election of certain officers this day, at 3 o'clock, P. M. be, and the same is hereby rescinded, and that the two Houses go into said election to-morrow, at 10 o'clock, A. M., and the concurrence of the House is asked thereto.

The Senate have passed a bill to be entitled "an act making appropriations for the years 1843, 1844, and part of the year 1842, and for balances due from the State, with several amendments, which are thereunto appended; which bill is herewith transmitted, and the assent of the House is asked thereto.

The resolution from the Senate fixing the time of going into elections to-morrow, was read and adopted.

When, on motion of Mr. Oldham, the vote was reconsidered, and the resolution was not concurred in, of which the Senate were informed.

The bill entitled "an act making appropriations for the years 1843, 1844, and part of the year 1842," was taken up and read a first time.

On motion of Mr. Miller, the rules were dispensed with 45 to 1, and the bill read a second and third time and passed, and was transmitted to the Senate.

The Senate now appeared in the Representative Hall, and were seated within the bar.

When the resolution was read by the Clerk of the House, fixing the day for electing the several officers therein specified.

When the speaker declared that nominations for Auditor of public accounts, were in order.

Mr. Martin of Pulaski nominated E. N. Conway.

No further nominations being made, the roll was called, whereby it was ascertained that Mr. Conway had received 56 votes in the House and 18 in the Senate, making a joint vote of 74 votes.

Whereupn the speaker announced that Elias N. Conway had received the constitutional majority of all the votes of the two Houses, was duly elected Auditor of public accounts for the term prescribed by law.

The members of the House voting for Mr. Conway are

Messrs. Arrington, Baines, Byers, Bateman, Blakemore, Burke, Conway, Collins, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Oldham, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Steuart of Desha, Stout, Thompson, Vaughan, Wiley, and Mr. Speaker—56.

Mr. Speaker announced that nominations for Treasurer of the State were in order.

Mr. Johnson of Monroe, nominated John Hutt.

No further nominations being made, the rolls of both Houses were called, and it appeared that Mr. Hutt had received 74 joint votes.

Whereupon Mr. Speaker proclaimed that Mr. John Hutt having received a majority of all the joint votes, was duly elected Treasurer of the State of Arkansas, for the time prescribed by law.

The members of the House voting for Mr. Hutt, are

Messrs. Arrington, Baines, Byers, Bateman, Blakemore, Burke, Conway, Collins, Campbell, Crutchfield, Cocke, Calvert of St. Francis, Calvert of Saline, Counts, Cline, Cook, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Logan, Martin of Pulaski, Martin of Franklin, Mayers, Miller, Milligan, McClain, Nott, Oldham, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roberts, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Stout, Thompson, Vaughan, Wiley, and Mr. Speaker—56.

Mr. Speaker now announced that nominations of bank commissioner were in order,

Mr. Martin of Pulaski nominated R. C. Byrd.

Mr. Gaines of Scott nominated A. Boileau.

No other nominations being made, the rolls of the two Houses were called, whereby it appeared that R. C. Byrd received 41 joint votes.

A. Boileau received 23 joint votes.

Whereupon Mr. Speaker proclaimed that R. C. Byrd, having received a majority of all the votes, was duly elected bank commissioner for the time prescribed by law.

The members of the House voting for Mr. Byrd, are

Messrs. Blakemore, Collins, Crutchfield, Calvert of Saline, Calvert of St. Francis, Fancher, Finley, Gaines of Chicot, Gage, Humphrey, Hardwick, Hanly, Llewellyn, Martin of Pulaski, Mayers, Milligan, McClain, Nott, Oldham, Peeler, Rieves of Crittenden, Roane, Robertson, Stewart of Clark, Steuart of Desha, Stout, Vaughan, Wiley, and Mr. Speaker—28.

The members of the House voting for Mr. Boileau are

Messrs. Arrington, Bateman, Burke, Campbell, Cocke, Cline, Cook, Flanagan, Gibson, Gaines of Scott, Gray, Houston, Jeffrey, Johnson, Logan, Martin of Franklin, Miller, Reeves of Crawford, Rust, and Thompson—20; and three votes scattering.

The Speaker now announced that nominations for Financial Receiver, Executive Receiver, and Attorney for the State Bank at Little Rock, were in order. Whereupon Mr. Martin of Pulaski, nominated John H. Crease for Financial Receiver, Samuel M. Rutherford, Executive Receiver, Samuel H. Hempstead, Attorney.

When the rolls of the Houses were called, and it appeared that
Mr. Crease received 56 joint votes,
Mr. Rutherford " 49 " do.
Mr. Hempstead " 43 " do.

When the Speaker announced that each of the above named gentlemen had received a majority of all the joint votes, and were each duly elected to the respective offices for which they were nominated.

The members voting for Mr. Crease, are,

Messrs. Arrington, Baines, Byers, Bateman, Blakemore, Burke, Conway, Collins, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Llelwellyn, Lemoyne, Logan, Martin of Pulaski, Mayers, Miller, Milligan, McClain, Nott, Oldham, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Thompson, Vaughan, Wiley, and Mr. Speaker—56.

The members of the House, voting for Mr. Rutherford, are,

Messrs. Arrington, Baines, Blakemore, Burke, Conway, Collins, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cook, Fancher, Flanagan, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Haynes, Humphrey, Hardwick, Hanly, Huston, Jeffrey, Johnson, Llewellyn, Lemoyne, Martin of Pulaski, Mayers, Milligan, MClain, Nott, Oldham, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Thompson, Vaughan, Wiley, and Mr. Speaker—49.

The members voting for Mr. Hempstead, are,

Messrs. Baines, Byers, Bateman, Blakemore, Burke, Conway, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cook, Fancher, Flanagan, Finley, Gibson, Gaines of Scott, Gray, Gage, Haynes, Humphrey, Hardwick, Hanly, Jeffrey, Johnson, Martin of Pulaski, Mayers, Milligan, Nott, Oldham, Parks, Reeves of Crawford, Rieves of Crittenden, Roane, Robertson, Rust, Stewart of Clark, Sullivan, Stout, Thompson, Vaughan, Wiley, and Mr. Speaker—43. And eleven votes scattering.

Mr. Speaker now announced that nominations for the Financial Receiver for the Branch Bank at Fayetteville, were in order.

When Mr. Stout nominated Col. James McKisick.

And the roll of the two Houses being called, it appeared that Col. McKissick had received 71 joint votes.

Whereupon, the Speaker proclaimed that Col. McKisick having received a majority of all the joint votes, was duly elected Financial Receiver of the Branch Bank at Fayetteville, for the time prescribed by law.

The members of the House, voting for Col. McKisick, are,

Messrs. Arrington, Baines, Byers, Bateman, Blakemore, Burke, Conway, Collins, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cline, Cook, Fancher, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Gage, Haynes, Humphrey, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Mayers, Miller, Milligan, McClain, Nott, Parks, Reeves of Crawford, Rieves of Crittenden, Roane, Robertson, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Thompson, Vaughan, Wiley, and Mr. Speaker—53. One vote scattering.

Mr. Speaker now announced that nominations for the Executive Receiver at the Branch Bank at Fayetteville, were now in order, when

Mr. Gray nominated D. G. Harris.

Mr. Cline nominated R. P. Pullum.

The rolls of the two Houses were now called, and it appeared that

Mr. Harris had received 60 joint votes.

Mr Pullum " " 11 " "

Whereupon Mr. Speaker proclaimed that Mr. Harris, having received a majority of all the joint votes, was duly elected Executive Receiver of the Branch Bank at Fayetteville, for the term prescribed by law.

The members voting for Mr. Pullum are

Messrs. Cocke, Cline, Gaines of Chicot, Llewellyn, Lemoyne, Martin of Franklin, Rust, and Steuart of Desha—8.

The members voting for Mr. Harris are

Messrs. Arrington, Baines, Campbell, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Cook, Fancher, Flanagan, Finley, Gaines of Scott, Hardwick, Hanly, Houston, Jeffrey, Humphrey, Logan, Martin of Pulaski, Mayers, Miller, Milligan, McClain, Nott, Oldham, Parks, Reeves of Crawford, Rieves of Crittenden, Robertson, Sullivan, Stout, Thompson, Vaughan, Wiley, and Mr. Speaker —44.

The Speaker now announced that nominations for attorney for the Branch Bank at Fayetteville, were in order, when Mr. Walker of the Senate, nominated Mr. A. B. Greenwood.

Mr. Gaines of Scott, nominated Mr. L. D. Evans.

The rolls of each House were called, and it appeared that

Mr. Greenwood had received 30 joint votes.

Mr. Evans " " 27 " "

And five scattering.

Whereupon Mr. President proclaimed that neither of the nominees had received the majority of all the joint votes, when the roll was called the second time, when it appeared that

Mr. Greenwood had received 32 joint votes.

Mr. Evans " " 27 " "

Whereupon Mr. President proclaimed that Mr. Greenwood, having received a majority of all the joint votes, is duly elected attorney for said Bank, for the time prescribed by law.

The members voting for Mr. Greenwood are

Messrs. Blakemore, Crutchfield, Calvert of Saline, Calvert of St. Francis, Gray, Gage, Humphrey, Hardwick, Hanly, Martin of Pulaski, Mayers, Milligan, Nott, Oldham, Rieves of Crittenden, Roane, Robertson, Stewart of Clark, Sullivan, Stout, Vaughan, and Wiley —22.

The members voting for Mr. Evans are

Messrs. Arrington, Baines, Burke, Collins, Campbell, Cocke, Cline, Cook, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Johnson, Llewellyn, Lemoyne, Miller, Peeler, Reeves of Crawford, and Thompson—20.

The convention now went into recess.

The Senate withdrew to the Senate chamber.

On motion of Mr. Houston, the House adjourned.

FEBRUARY 3rd, 1843.
Friday morning, 9 o'clock.

The House met pursuant to adjournment.

Message from the Governor by Col. L. J. Reardon, private Secretary, signifying the Executive's approval of an act to authorize a Geological Examination of the State of Arkansas, approved 2nd February, 1843, and

"An act to repeal the 10th section of the 62nd chapter of the Revised Code, and for other purposes," approved February 2nd, 1843.

Mr. Finley, from the committee on enrollments, on leave given,

Reported correctly enrolled "an act to provide for the printing and distribution of the Acts and Journals of this General Assembly," also

"An act for the better organization of the *militia* of this State," also

"An act to abolish imprisonment in civil cases."

Mr. Hanly in the chair.

Mr. Greenwood made the following communication in tender of his resignation as Speaker of the House of Representatives:

Gentlemen of the House of Representatives:

I have the honor herewith to tender to your honorable body my resignation, as Speaker of the House of Representatives.

Please accept my grateful acknowledgments for the honor you have conferred on me in electing me to that distinguished station, since which time, I have been by a joint vote of both Houses of this General Assembly, elected to another station, and feel myself constrained by a sense of duty to offer my resignation, as Speaker of the House of Representatives.

Respectfully, &c.,
A. B. GREENWOOD.

Nominations for Speaker were declared in order.

Mr. Roane of Jefferson, nominated Williamson S. Oldham.

Mr. Calvert of Saline, nominated Thomas B. Hanly.

No further nominations being made, the roll was called, whereby

Mr. Oldham received 33 votes.

Mr. Hanly " 13 "

The members voting for Mr. Oldham are

Messrs. Baines, Bateman, Blakemore, Conway, Campbell, Crutchfield, Calvert of St. Francis, Counts, Fancher, Gaines of Scott, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Lemoyne, Martin of Pulaski, Mayers, Milligan, Peeler, Parks, Reeves of Crawford, Rieves of Crittenden, Roane, Stewart of Clark, Stout, Thompson, Vaughan, and Wiley—33.

The members voting for Mr. Hanly are

Messrs. Burke, Collins, Cocke, Calvert of Saline, Cook, Flanagan, Finley, Gibson, Logan, Nott, Oldham, Sullivan, and Waters—13.

Whereupon the chair announced that Mr. Oldham, having received a majority of all the votes, was duly elected Speaker of the House of Representatives.

The chair appointed Messrs. Rieves of Crittenden, Calvert of St. Francis, and Greenwood, a committee to conduct Mr. Oldham to the chair, who thereupon entered upon the duties of his office.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body that the Senate passed a bill entitled "an act to abolish imprisonment in civil cases," which is herewith transmitted.

The resolution of the House authorizing the Secretary of State, to contract for the printing of the Acts and Journals of this present session of the General Assembly, was taken up, and read, and adopted, and transmitted to the Senate for their concurrence.

The resolution of the Senate requiring the Governor to accept of the quit claim deed of Roswell Beebe, and Clarissa E., his wife, conveying the square of ground upon which the State House is situate to the State, was taken up and read on its final passage.

Mr. Gaines of Chicot, called for the ayes and noes, and they were ordered, and the resolution was rejected by ayes 21 to noes 23.

The members voting for the resolution are

Messrs. Baines, Blakemore, Crutchfield, Calvert of St. Francis, Flanagan, Gaines of Scott, Gage, Greenwood, Humphrey, Hardwick, Hanly, Huston, Martin of Pulaski, Mayers, McClain, Rives of Crittenden, Roane, Steuart of Desha, Sullivan, Stout, Mr. Speaker—21.

The members voting against the resolution are

Messrs. Byers, Bateman, Burke, Collins, Campbell, Cocke, Calvert of Saline, Counts, Cline, Cook, Fancher, Finley, Gaines of Chicot, Haynes, Jeffrey, Johnson, Llewellyn, Martin of Franklin, Milligan, Nott, Peeler, Robertson, Rust, and Stewart of Clark—23.

So the resolution was rejected and returned to the Senate.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the senate have concurred in the resolution of the house authorising the Secretary of State to contract for the public printing.

Which is herewith returned.

Mr. Finley, from the committee on enrollments, on leave given, reported correctly enrolled "an act to change the line between the counties of Pulaski and White."

Also, a resolution authorising the Secretary of State to contract for the public printing.

Message from the Governor, by his private secretary, Col. L. J. Reardon, signifying the Executive's approval of the resolution authorising the Secretary of State to contract for the public printing; also,

"An act to change the lines between the counties of Pulaski and White," approved February 3d, 1843; and

"An act to provide for the printing and distribution of the acts and journals of this General Assembly, and for other purposes," approved February 3d, 1843; also,

"An act to abolish imprisonment in civil cases," approved February 3d, 1843; also,

"An act for the better organization of the militia of this State," approved February 3d, 1843.

Message from the Senate by Mr. Tully:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have appointed Messrs. Tully, Hudson, and Clark, committee of conference on the part of the Senate, to act in conjunction with a similar committee appointed on the part of the House, to take into consideration the disagreement of the Senate to the amendment of the House to the bill entitled "an act regulating the sale of property under execution."

The hour having now arrived determined upon by resolution of yesterday, to go into the elections therein specified,

The Senate appeared in the Representative Hall, and the resolution was read, and the two Houses proceeded to elect the officers, in pursuance of the resolution; whereupon,

The Speaker announced that nominations were in order for Trustee of the Real Estate Bank at Little Rock.

Mr. Calvert of Saline, nominated William Gilchrist.

Mr. Martin of Pulaski, nominated Chester Ashley.

The rolls of each House were called, when it was ascertained that

Mr. Gilchrist had received	34	joint votes.
Mr. Ashley " "	25	" "

The members of the House voting for Mr. Gilchrist are

Messrs. Baines, Byers, Burke, Conway, Cocke, Calvert of Saline, Counts, Cook, Fancher, Gaines of Chicot, Gage, Greenwood, Humphrey, Hardwick, Houston, Jeffrey, Johnson, Llewellyn, Logan, Nott, Peeler, Sullivan, Wiley, and Mr. Speaker—24.

The members voting for Mr. Ashley are

Messrs. Bateman, Campbell, Crutchfield, Calvert of St. Francis, Flanagan, Gaines of Scott, Haynes, Hanly, Martin of Pulaski, Mayers, Parks, Rieves of Crittenden, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Stout, Thompson—20.

Whereupon, the Speaker proclaimed that Mr. Gilchrist having received a majority of all the joint votes, was duly elected Trustee of the Real Estate Bank of the State of Arkansas, at Little Rock, for the time prescribed by law.

The Speaker now announced that nominations for Trustee of the Van Buren Branch of the Real Estate Bank at Van Buren, were in order.

Mr. Mayers of Crawford, nominated Mr. John Rodgers.

No further nominations being made, the rolls were called; and

Mr. Rodgers received 57 joint votes.

The members of the House voting for Mr. Rodgers are

Messrs. Baines, Byers, Blakemore, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cook, Fancher, Flanagan, Finley, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Mayers, Milligan Nott, Peeler, Parks, Rieves of Crittenden, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Thompson, and Wiley—44.

Whereupon, the Speaker proclaimed that Mr. John Rodgers having received a majority of all the joint votes, was duly elected Trustee for the Branch of the Real Estate Bank at Van Buren.

Nominations for Trustee of the Branch of the Real Estate Bank at Helena, were now declared in order.

Mr. Thompson of the Senate, nominated William E. Butts.

There being no further nominations, the rolls were called, whereby

Mr. Butts received 54 joint votes.

The members voting for Mr. Butts are

Messrs. Baines, Byers, Bateman, Blakemore, Conway, Campbell, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Cook, Fancher, Finley, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Logan, Martin of Pulaski, Mayers, Milligan, Nott, Peeler, Parks, Rieves of Crittenden, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Thompson, Wiley, and Mr. Speaker—40.

Whereupon, Mr. Speaker proclaimed that Mr. Butts having received a majority of all the votes, was duly elected Trustee of the Branch of the Real Estate Bank at Helena.

The Speaker now announced that nominations for Trustee of the Branch of the Real Estate Bank at Columbia, were in order.

Mr. Clark of the Senate, nominated Thomas Byers.

Mr. Rieves of Crittenden, nominated Romulous Payne.

No further nominations being made, the rolls were called; and

Mr. Byers received 29 joint votes.

Mr. Payne " 35 " "

The members voting for Mr. Byers, are

Messrs. Bateman, Burke, Collins, Campbell, Cocke, Counts, Cook, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Haynes, Jeffrey, Johnson, Llewellyn, Lemoyne, Logan, Nott, Peeler, Rust, Stewart of Clark, Steuart of Desha, Sullivan, and Thompson—24.

The members voting for Mr. Payne are

Messrs. Baines, Blakemore, Conway, Crutchfield, Calvert of Saline, Calvert of St. Francis, Fancher, Flanagan, Gray, Gage, Greenwood, Humphrey, Hardwick, Hanly, Houston, Martin of Pulaski, Mayers, Milligan, Parks, Rieves of Crittenden, Roane, Robertson, Stout, Wiley, and Mr. Speaker—25.

Whereupon the Speaker proclaimed that Mr. Payne had received a majority of all the joint votes, and was duly elected Trustee of the branch of the Real Estate Bank at Columbia.

Nominations for Trustee for the Washington branch of the Real Estate Bank at Washington were in order.

Mr. Mayers of Crawford nominated William Conway B.

No further nominations being made, the rolls were called, and Mr. W. Conway B. received 61 joint votes.

The members of the House voting for Mr. Conway B., are

Messrs. Baines, Byers, Bateman, Blakemore, Burke, Conway, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cook, Fancher, Flanagan, Finley, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Llewellyn, Lemoyne, Logan, Martin of Pulaski, Mayers, Milligan, Nott, Peeler, Parks, Rieves of Crittenden, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout Thompson, Wiley, and Mr. Speaker—46.

When the Speaker proclaimed that Mr. Conway, having received a majority of all the votes, was duly elected Trustee for the branch of the Real Estate Bank at Washington, in pursuance to law.

Nominations for Financial Receiver at the branch of the State Bank of Arkansas, at Batesville, were now in order.

Mr. Black of the Senate nominated Thomas H. Drew.

Mr. Jeffrey nominated David M. Lowe.

No further nominations being made, the rolls were called, and Mr. Drew received 40 joint votes.

Mr. Lowe received 21 joint votes.

The members of the House voting for Mr. Drew, are

Messrs. Baines, Blakemore, Conway, Calvert of Saline, Calvert of St. Francis, Counts, Fancher, Gaines of Scott, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Logan, Martin of Pulaski, Mayers, Milligan, Parks, Rieves of Crittenden, Roane, Robertson, Stewart of Clark, Stout, and Mr. Speaker—27.

The members of the House who voted for Mr. Lowe are

Messrs. Byers, Bateman, Burke, Collins, Campbell, Crutchfield, Cocke, Cook, Flanagan, Finley, Gibson, Jeffrey, Llewellyn, Martin of Franklan, Peeler, Rust, Steuart of Desha, Sullivan, Thompson, and Wiley—20.

When the Speaker proclaimed that Thomas H. Drew, having received a majority of all the joint votes, was duly elected Financial

Receiver of the branch of the State Bank of Arkansas, at Batesville.

Nominations for Executive Receiver at the branch of the State Bank of Arkansas at Batesville, were now in order.

Mr. Byers nominated Daniel Chapman.

No further nominations being made, the rolls were called, and Mr. Chapman received 63 joint votes.

The members of the House voting for Mr. Chapman are

Messrs. Baines, Byers, Bateman, Blakemore, Burke, Conway, Collins, Campbell, Crutchfield, Cocke, Fancher, Flanagan, Finley, Gray, Gage, Greenwood, Haynes, Humphrey, Hardwick, Hanly, Houston, Jeffrey, Llewellyn, Lemoyne, Martin of Pulaski, Milligan, Mayers, Nott, Peeler, Parks, Rieves of Crittenden, Roane, Robertson, Rust, Stewart of Clark, Steuart of Desha, Sullivan, Stout, Thompson, Vaughan, Wiley, and Mr. Speaker—46.

Whereupon the Speaker proclaimed that Mr. Chapman, having received a majority of all the joint votes, was duly elected Executive Receiver for the branch of the State Bank of Arkansas at Batesville.

Nominations for Attorney of the branch of the Bank of the State of Arkansas, at Batesville, were now in order.

Mr. Ficklin of the Senate nominated L. B. Tully.

Mr. Byers nominated James H. Patterson.

No further nominations being made, the rolls were called, and Mr. Tully received 31 joint votes.

Mr Patterson received 27 joint votes.

The members of the House who voted for Mr. Tully, are

Messrs. Blakemore, Conway, Crutchfield, Calvert of Saline, Gage, Greenwood, Humphrey, Hardwick, Hanly, Martin of Pulaski, Mayers, Milligan, Rieves of Crittenden, Stewart of Clark, Stout, Vaughan, and Mr. Speaker—17.

The members voting for Mr. Patterson, are

Messrs. Baines, Byers, Bateman, Burke, Collins, Campbell, Cocke, Calvert of St. Francis, Cook, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Llewellyn, Lemoyne, Logan, Martin of Franklin, Nott, Peeler, Parks, Rust, Steuart of Desha, Sullivan, Thompson, and Wiley—26.

When the Speaker announced that Mr. Tully had received a majority of all the joint votes, and was duly elected Attorney for the Branch Bank of the State of Arkansas at Batesville.

The Speaker declared nominations for Financial Receiver at the Branch of the Bank of the State of Arkansas, at Arkansas, in order.

Mr. Hanly nominated David Maxwell.

Mr. Yell, of the Senate, nominated William A. Dougherty.

No further nominations being made, the rolls were called.

And Mr. Daugherty received 37 joint votes,
Mr. Maxwell " 28 " "

The members voting for Mr. Maxwell, are,

Messrs. Blakemore, Conway, Fancher, Gage, Humphrey, Hardwick, Hanly, Houston, Martin of Pulaski, Mayers, Milligan, Nott, Rieves of Crittenden, Roane, Robertson, Stout, Vaughan, Wiley, and Mr. Speaker—19.

The members voting for Mr. Dougherty, are

Messrs. Baines, Byers, Bateman, Burke, Collins, Campbell, Crutchfield, Cocke, Calvert of Saline, Calvert of St. Francis, Counts, Cook, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Gray, Llewellyn, Lemoyne, Logan, Martin of Franklin, Peeler, Parks, Rust, Stewart of Clark, Steuart of Desha, Sullivan, and Thompson—30.

When the Speaker proclaimed that Mr. Dougherty, having received the majority of all the joint votes, was duly elected Financial Receiver for the Branch of the Bank of the State of Arkansas, at Arkansas.

Nominations for Executive Receiver for the Branch of the State Bank of Arkansas at Arkansas, were now declared in order.

Mr. Yell, of the Senate, nominated B. W. Lee.

Mr. Roane nominated Samuel Mitchell.

No further nominations being made, the rolls were called.

Mr. Lee received 26 joint votes,
Mr. Mitchell " 40 " "

The members voting for Mr. Lee, are,

Messrs. Baines, Byers, Bateman, Burke, Collins, Campbell, Cocke Cook, Flanagan, Finley, Gibson, Gaines of Chicot, Gray, Haynes, Llwellyn, Lemoyne, Martin of Franklin, Rust, Steuart of Desha, Sullivan, and Thompson—21.

The members voting for Mr. Mitchell, are,

Messrs. Blakemore, Conway, Crutchfield, Calvert of Saline, Calvert of St. Francis, Counts, Fancher, Gaines of Scott, Gage, Greenwood, Humphrey, Hardwick, Hanly, Houston, Logan, Martin of Pulaski, Mayers, Milligan, Nott, Parks, Rieves of Crittenden, Roane, Robertson, Stewart of Clark, Stout, Vaughan, Wiley and Mr. Speaker—28.

When the Speaker proclaimed that Mr. Mitchell having received a majority of all the votes, was duly elected Executive Receiver of the Branch of the Bank of the State of Arkansas at Arkansas.

Nominations for Attorney of the Branch Bank at Arkansas, were now in order.

Mr. Yell, of the Senate, nominated Martin W. Dorris.

Mr. Hanly nominated Benjamin J. Nott.

No further nominations were made, the rolls were called.

And Mr. Dorris received 39 joint votes,
Mr. Nott " 27 " "

The members of the House voting for Mr. Dorris, are,

Messrs. Baines, Byers, Bateman, Blakemore, Burke, Collins, Campbell, Crutchfield, Cocke, Counts, Cook, Flanagan, Finley, Gibson, Gaines of Chicot, Gaines of Scott, Haynes, Hardwick, Houston, Llewellyn, Lemoyne, Logan, Martin of Franklin, Peeler, Parks, Roane, Steuart of Desha, Thompson, and Wiley—29.

The members voting for Mr. Nott, are,

Messrs. Conway, Calvert of St. Francis, Fancher, Gray, Gage, Greenwood, Humphrey, Hanly, Martin of Pulaski, Mayers. Milligan, Nott, Rieves of Crittenden, Robertson, Rust, Stewart of Clark, Sullivan, Stout, Vaughan, and Mr. Speaker—20.

Whereupon, the Speaker proclaimed that Mr. Dorris having received a majority of all the joint votes, was duly elected Attorney for the Brauch Bank of the State of Arkansas at Arkansas.

Nominations for Commissioner of Public Buildings, were now in order.

Mr. Byrd, of the Senate, nominated Henry F. Pendleton.

Mr. Martin of Franklin, nominated Isaac B. Keats.

No further nominations being made, the rolls were called.

And Mr. Pendleton received	51	joint	votes,
Mr. Keats	5	"	"

There were two votes scattering.

The members voting for Mr. Pendleton, are,

Messrs. Baines, Blakemore, Burke, Conway, Crutchfield, Cocke, Calvert of St. Francis, Counts, Cook, Fancher, Flanagan, Finley, Gaines of Chicot, Gaines of Scott, Gage. Greenwood, Humphrey, Hardwick, Llewellyn, Logan, Mayers, Milligan. Nott, Peeler, Parks, Rieves of Crittenden, Roane, Rust. Stewart of Clark, Steuart of Desha, Sullivan, Stout, Thompson, Vaughn, Wiley, and Mr. Speaker—36.

The members voting for Mr. Keats, are,

Messrs. Campbell, Gray, Haynes, Martin of Pulaski, and Martin of Franklin—5.

Whereupon, the speaker proclaimed that Mr. Pendleton was duly elected Commissioner of Public Buildings, he having received a majority of all the joint votes.

The Senate now withdrew to the Senate Chamber.

Message from the Senate by the Secretary.

Mr. Speaker:—I am instructed to inform your honorable body, that the Senate have assented to the amendment of the House, to the bill of the Senate, entitled "An act to amend an act, to encourage the killing of wolves in this State:" approved, 17th December, 1838.

Also "an act concerning Overseers of Roads."

Also "an act entitled an act supplementary to an act to place the State Bank in liquidation."

Also "an act to punish persons for enticing away slaves."

Also "an act to explain and amend the statutes as relates to granting appeals in certain cases."

Which are herewith returned.

The Senate also withhold their assent to the resolution of the House to adjourn *sine die* on this day, and propose to amend by inserting Saturday the 4th inst; all of which is respectfully submitted.

Mr. Finley, from the committee on Enrollments, on leave given, *Reported* correctly enrolled, "an act supplementary to an act to place the bank of the State of Arkansas in liquidation."

On motion of Mr. Counts, the House went into recess till 3 o'clock, P. M.

Evening Session, 3 o'clock, P. M.

The House came to order.

Mr. Finley, from the committee on Enrollments, on leave given,

Reported correctly enrolled, the bill entitled "an act to explain and amend the statutes of this State concerning the granting of appeals in certain cases," and "an act to punish persons for enticing away slaves."

Also "an act relating to Public Roads and Overseers thereon."

Mr. Rust offered the following:

Resolved, That the House of Representatives of this General Assembly, are now ready to adjourn *sine die,* and that the Senate be advised thereof.

Which was adopted.

Message from the Governor, by his private Secretary, Col. L. J. Reardon, signifying the Executive's approval of "an act concerning the granting of appeals in certain cases," approved February 3d, 1843.

Also "an act to punish persons for enticing away slaves," approved February 3d, 1843.

Also "an act relating to Public Roads and Overseers thereon" approved 3d February, 1843.

Mr. Hardwick from the committee of conference, on the disagreement of the Senate to the amendment of the House, to the bill entitled "an act concerning property under execution."

On leave given,

Reported recommending that the Senate concur in the amendment of the House, and also proposing sundry other amendments.

On motion of Mr. Cocke, the report was rejected.

On motion of Mr. Baines, the House adjourned.

FEBRUARY 4th, 1843.
Saturday morning, 9 o'clock.

The House met pursuant to adjournment.

Mr. Greenwood offered the following:

Resolved, That the Senate be informed that the House of Representatives are now ready to adjourn, *sine die.*

Which motion was adopted, and communicated to the Senate by message.

Mr. Crutchfield introduced the following:

Resolved, That a committee be appointed by the House of Representatives to act in conjunction with such committee as may be appointed on the part of the Senate, whose duty it shall be to wait on the Governor, and inform him that this General Assembly have resolved to adjourn *sine die*, on this day, unless he have some further communications to make, which may necessarily prolong their session.

Which was adopted.

And the Speaker appointed Messrs. Crutchfield and Rust, such committee, who withdrew in pursuance of said resolution.

Mr. Houston offered the following:

Resolved, That the thanks of the House of Representatives be tendered to the Hon. W. S. Oldham, Speaker, to Stephen S. Tucker, Clerk, and to Alexander McKisick, assistant Clerk, also to John Barkeloo, Doorkeeper, for the faithful discharge of their respective duties.

Which was unanimously adopted.

Mr. Rust, from the committee appointed to wait on the Governor, on leave given,

Reported that they had called upon his Excellency, the Governor, and that he answered that he had no further communications to make to this present General Assembly.

Mr. Mayers moved that the House adjourn, *sine die*.

Whereupon the Speaker announced that the House of Representatives having no further business to transact, that the House be adjourned *sine die*, on this 4th day of February, 1843.

W. S. OLDHAM, *Speaker*
of the House of Representatives.

STEPHEN S. TUCKER,
Principal Clerk.

APPENDIX

TO THE

JOURNALS OF THE HOUSE OF REPRESENTATIVES.

GOVERNOR'S MESSAGE.

Gentlemen of the Senate,
and House of Representatives:-

In again meeting the representatives of the people, it affords me pleasure to repeat my congratulations on the peace, health, and abundant products of another year; with a fervent prayer that the labors of the session may be no less prudent than patriotic, in the establishment of those measures which will conduce to our individual and national prosperity.

To realize the expectations of your constituents, and to secure and preserve the blessings which Providence has placed within your reach, will, in the course of this important session, require a cool and dispassionate exercise of your patriotism, firmness, and wisdom. In the accomplishment of those objects, let us encourage a system of industry, morality, and frugality—the surest means to place our State in that proud and independent position, which she is soon destined to assume among her sister States.

Since your last assembling, it has pleased divine Providence to call to himself William Henry Harrison, President of the United States, who died soon after entering upon the high and responsible office to which he had been called by the voice of his countrymen. Amidst the gloom his death cast over our country, we witnessed the stability of our republican institutions, through a quiet obedience to the constitution and laws, in the peaceful ascension of John Tyler, Vice President, to the first office in the gift of the nation.

To arrest the downward tendency of things, to restore the honor and credit of the State, unshackle her resources and energies, and to reinstate the somewhat unfashionable custom of honesty, promptness, and economy in financial matters, will be the momentous duty of this Legislature; and if you are faithful, as I am sure you will be, in spite of the clamors of interested classes, you will achieve the lasting gratitude of your constituents, and the whole country. But the crisis is full of difficulty and responsibility, and demands an honest and fearless devotion to the public welfare.

We are in the midst of a great revolution on the subject of banking. The developments, glaring and startling, of the demoralizing and ruinous consequences of the present system, demand, at your hands, a radical reform. The great mammoth, or regulator, has fallen, and bank after bank has followed it to destruction; tumbling down, in its course, the prospects of millions, and devouring the hard earnings of the laboring classes. And is it possible the people are so infatuated with their chains, as to submit, quietly, to such oppression and legalized swindling?—witnessing the proceeds of their industry committed to the use of the few who live upon credit, and the facilities of the banks. Such a system tends to paralyze industry, prostrate trade and commerce, and subject the country to revolutions, dangerous even to our liberties.

To you, as their representatives, they have, with a generous confidence, entrusted a reformation of the present system; and to you they confidently look for redress, by the adoption of some measure that will restore a sound currency, and put an end to a system, which is as disastrous upon the prosperity of the country, as it is corrupting and demoralizing in its tendency.

We still find the banks clinging to the fragments of a wreck which they can never hope to refit and render useful. They will, ere long, find, that some concession must be made to public opinion, which has been roused to action by their mismanagement and fraud; and the subject has now reached a magnitude and importance, that forces itself imperatively on the consideration of the appropriate departments of the government, if they would preserve our political institutions, and the prosperity and happiness of the people.

The examination of the condition of the branches of the State Bank, and the developments in relation to the "hypothecation," by the Real Estate Bank, of half a million of State bonds, have fully demonstrated, that all the exhibition of figures, setting forth the condition of the banks, by their reports, gives no reliable information of their true circumstances, but is too often calculated to mislead and deceive. The condition of the Fayetteville branch fully confirms this impression. And the report of the Real Estate Bank to the last Legislature, is conclusive, where they report that the 500 State bonds are "on hand and unsold," whereas, subsequent facts have demonstrated, that they had been hypothecated to the N. A. Trust and Banking Company, near three months previous, for the nominal sum of $250,000; receiving only the sum of about $125,000, without sanction of law, and in express violation of the charter.

It would be criminal, on my part, to disguise the deplorable condition of our banking institutions, and the fearful prospect of loss by their mismanagement, which is likely, ultimately, to fall upon the people. To sustain the credit of the State, resort must be had to further and oppressive taxation, if the present extravagant and ruinous system is longer continued.

By a reference to the reports of the condition of the banks, at the date of their suspension, in October, 1839, compared with their present condition, (independent of the interest due on their bonds, amounting to about the sum of $149.501, due in specie or par funds), it will be seen that the sum of 80 or $100,000 in specie, has been abstracted from the vaults, by embezzlements, and by a short-sighted policy of taking the specie to pay the interest on their bonds, whilst they refused to redeem their circulation, which kept it at the ruinous discount of from 25 to 60 per cent., thereby giving a preference to their foreign creditors, without the most remote probability of being able to resume. This system of financiering has been pursued until their specie is nearly exhausted; they are at last unable to pay their interest. Our bonds are now under protest, and the price of our stock reduced to a price but little better than the stock of the late Bank of the United States.

Is not their condition, of itself, sufficient to require at your hands an act, putting the whole in a course of *liquidation*, giving such time as justice to the State will warrant, with as little pressure upon the community as possible, so as to be able, with the means and assets of the bank, to take up their circulation, and to pay their interest punctually, and, finally, the bonds themselves?

However reluctant to acknowledge the fact, it is nevertheless true, that our treasury is not in a condition, nor will it be, to pay the interest on the State bonds, which is now, or will become due, for the next few years.

Our citizens are already oppressed by taxation, to meet the expenses of the State government. I am not prepared, therefore, to recommend an increased taxation, for the purpose of meeting the interest on the State bonds; but prompt and energetic measures should be adopted, with the means and assets of the banks, to effect such objects upon all such bonds as have been sold in good faith, and in strict accordance with the bank charters. And that ample justice may be done both to the State and holders of our bonds, I would suggest the appointment of an agent or commissioner, under the authority of the Legislature, to investigate fully that subject, and to make a full report of the investigation to the next Legislature, for their further action thereon.

However much the people of Arkansas may be disposed (and none are more so), to sustain her faith and credit, in the payment of all just and legal claims, she would nevertheless be unworthy the character of a sovereign State, if she tolerated, for a moment, the idea of paying for bonds illegally and fraudulently disposed of. Should you approve the suggestion of appointing a commissioner to examine the validity of the sale of our State bonds, he might further be authorized to compromise the payment of interest, and to purchase the bonds upon such terms as our means (which may be legitimately applied to that purpose) will authorize; all subject to a confirmation by a subsequent Legislature.

The State Bank is a public corporation, and does not include the idea of "contract." The parties on both sides are the public, and it is, therefore, at all times subject to modification or repeal, by the Legislature.

In your further investigation and legislation upon this highly important subject, I must invoke a spirit of harmony and concession, in your efforts to adopt the most secure, liberal, and just plan, to wind up the institution. Whether your policy will be to adopt the plan of liquidating the bank, by placing the assets in the hands of trustees, or by withdrawing all the branches, and authorizing the principal bank to wind up the institution, under a repeal or modification of the charter, (prohibiting it in future from any power to bank, except so far as to enable it to wind up,) I would suggest the propriety and policy of retaining, at each of the branches, an agency, for the purpose of renewing the notes, receiving the calls and interest, and transmitting their accounts, quarterly, to the principal head.

In any event, the circulation should be first taken up, and provided for, by as heavy a call as the situation of the country will justify, so that the whole will be taken up in twelve or eighteen months; and when the circulation is reduced to the amount of specie on hand, then the whole to be redeemed in gold or silver. This will tend to restore the credit of the paper at once, and, in a short time it will be again at par, or nearly so. After the circulation is taken up, the interest due upon the State bonds should be promptly paid; and if there should be a surplus, it could be applied in the purchase of State bonds. If, however, the bonds cannot be purchased, I would suggest, that the surplus be applied to purposes of internal improvement.

By pledging and depositing the notes and obligations, executed to the State in the sale of the 500,000 acres of land, the repayment of the surplus so applied, with interest, will be secured to the bank. By this means, the bank will be drawing interest on her surplus funds, otherwise lying idle; and the State will be compensated in the advancement of internal improvement, upon its capital, before due.

After the circulation shall have been redeemed, the calls should be made as light as possible, so as not unnecessarily to oppress the citizen, or endanger the security of the State; which can be avoided by affording a reasonable time. That time should, in some degree, depend upon the condition of the country, and the ability and disposition of the debtors to secure the State against ultimate loss.

The State Bank and branches will be able, (according to their showing, in July last), to take up the whole amount of their circulation in twelve months, at a moderate call, including interest, of 12½ per cent.

The whole amount of bills receivable is about		$1,600,000
12½ per cent. upon that amount is, per annum,		160,000
Specie on hand,		103,000
		$263,000
The whole amount of circulation is		$330,000
Probable amount of lost notes,	$30,000	
" " now in bank,	50,000	
		$80,000
		$250,000

The amount of specie, call, and interest, two hundred and sixty-three thousand dollars, applied to the reduction of the outstanding circulation, will leave the sum of thirteen thousand dollars over and above the amount necesssary to its redemption. A similar call, the next year, will enable the bank to pay all the interest, and leave a surplus of about one hundred thousand dollars per annum. We are, then, not without hope, by a prudent and judicious, but prompt exercise of a corrective power upon our banking privileges, that we may yet enjoy better times. Industry and economy have again made their appearance, and, if they continue, will insure plenty, prosperity, and contentment. Our troubles are not without their advantages; they give us the wisdom of sore experience, and stand, as beacon-lights, to guide us in future. Upon close examination, we find our misfortunes have been produced by blunders and follies in which we have too long acquiesced. Then let us not despair; the industry of our hardy population, and the ample resources of our young State, bid us be of good cheer, and look to the fertile fields of our own rich valleys and beautiful prairies, as a sure indemnity against all the evils which have swept, like a deadly "sirocco," over this once prosperous and flourishing people. I have full confidence, that if this mode is carried out, we shall have money sufficient to meet all the legitimate wants of the country, without encouraging the "credit system," which is certain to end in loss, and often in ruin, to States as well as individuals. There is a portion of the country that will not be satisfied with such a policy. I have no doubt, if the whole wealth of the country was applied to their use, it would be inadequate to their wants.

The main object, however, will be accomplished, if you can give the country a sound and constitutional currency, and secure the State and the note holders against loss and imposition, with the means at our command, and the exports of the country. We shall, then, in a few years, attain to a sound and healthy condition.

The advocates of a sound and constitutional currency have, heretofore, been struggling in a lean minority, against associated wealth, composed of bankers, brokers, speculators, and stock-jobbers, whose course of policy has well nigh ruined the country, with a depreciated currency, and a consequent diminution in the prices of property, and the products of the soil.

The standard of a sound and constitutional currency has been unfurled, and beneath its ample folds, thousands of our laboring classes have taken their stand; and if they are faithful in the cause, they will ultimately drive the money-changers from the temple they have polluted.

The second section of the 2d article of the constitution of the State declares, "that all power is inherent in the people, and that all free governments are founded on their authority, and established for their peace, safety, and happiness; for the advancement of those ends, they have, at all times, an unqualified right to alter, reform, or abolish their government, in such a manner as they see proper."

To preserve harmony in the administration of the government, and for the preservation of liberty itself, the constitution has wisely provided checks and balances in the formation of three departments—the Legislative, Executive, and Judicial. To each one is delegated certain specified powers, the sovereign or representative power resting with the Legislature, except in cases where it has been conferred upon one of the other departments.

Long experience, and the safety of the rights of the citizen, have clearly demonstrated, that it is better to hazard the abuse of that confidence, than to embarrass the government, and endanger the public safety, by impolitic restrictions on legislative authority.

The powers of each department have been so partitioned, as to render the one independent of the other, each judging for themselves on all constitutional questions. In a republican government, like ours, there is a tendency in the legislative and executive departments sometimes to encroach upon the other, either in their zeal for their constituents, or love of power. On the other hand, an unauthorized assumption of power by the judiciary, is destructive to the fundamental principles of good government, which can only be checked by a firm and decided exercise of the constitutional powers in the other two departments.

It is alone the province of the judiciary to decide upon the constitutionality of a statute; but they have no power or authority to decide upon the policy or propriety of a law. The power to incorporate the two Banks in the State, is derived from the provisions in the constitution. The main question now correctly to ascertain, is, where the power vests to revoke a charter; and that will depend upon the fact, whether the Real Estate Bank be a public or private corporation. If a private corporation, it will not be contended, I presume, that the Legislature can change or repeal a chartered right; much less, can the Central Board *impair the contract*, by making an assignment without the consent of the contracting parties. That belongs to a judicial tribunal, which is alone clothed with the power to adjudicate upon private rights and matters of contract, as a barrier thrown around the rights of property, against the arbitrary will of men, or the encroachments of the Legislature. If it be a public corporation, it is a subject matter for legislation; and that it is, we have the repeated decisions of the Supreme Court of the United States, who have often declared that a bank charter is a public corporation; and the highest judicial tribunal in your own State have decided that our banks are public corporations.

Let us examine the results incident to these decisions. The State of Arkansas chartered the Real Estate Bank, and to enable it to commence banking, advanced her credit, in the shape of State bonds, to the amount of one million six hundred thousand dollars, for which the State is liable; and as an indemnity against the payment of the bonds, the State has a lien, in mortgages, on lands double in value the amount of the capital. Whatever may be the fate of the assets of the Banks, the State is liable for the payment of all the bonds sold in good faith.

The object of the corporation was, among other things, to give a currency to the country, which gives it the character of a "*civil institution.*"

Chief Justice Marshall admits, "that if the act of incorporation be a grant of political power; if it creates a civil institution, to be employed in the administration of the government; or if the fund be the public property; or if the State, as a government, be alone interested, the subject is one in which the Legislature of the State may act unrestrained," &c.

And again: "it being the mere creature of law, it possesses only those properties which the charter confers upon it," &c. Then if it is a public corporation, conferring no *individual rights*, it is clearly a proper subject for legislative action; and the Legislature is clothed with power to change, modify, or repeal a public statute, whenever it becomes useless, burthensome, or detrimental to the public interest.

The Real Estate Bank is the creature of the Legislature, vested with certain specified powers, for a specified purpose; and so long as it strictly and in good faith adheres to the provisions of its charter, it is not to be presumed that either the Legislature or the judiciary would attempt to deprive it of its chartered privileges or immunities. It is at all times, however, subject to the power of *visitation*, under the provisions of the common law, that the State and the citizens may at all times examine the manner and fidelity with which the funds of the State are managed. A different construction would disarm the sovereign power, and place a petty corporation superior to the people.

In the exercise of that power, you should examine whether there has not been, on the part of the Bank, a wilful and palpable violation of the chartered privileges, in their failure to pay the interest on the State bonds, in January and July last; and whether there was not a perversion of facts in the report of the Real Estate Bank to the last Legislature, where it stated that the five hundred State bonds are "*on hand and unsold;*" and whether the *hypothecation* of those five hundred State bonds, amounting to the sum of five hundred thousand dollars, for the inconsiderable sum of one hundred and twenty-five thousand dollars, is not an express violation of their charter, and a fraud upon the State; and whether the deed of assignment of all the assets of the Bank to trustees, is not also a forfeiture of their charter.

The effect upon the State, under the assignment, is, to place the assets, and the management of the Bank, beyond her control, and to throw the whole responsibility upon the State, to pay the interest upon the bonds now due, and which may become due, before the trustees can pay, as required, under the deed of assignment. This cannot be less than two hundred and twenty-five thousand dollars, which, if paid, must be by oppressive taxation upon the people. We are left either to suffer in credit, or oppress the citizens, to sustain a worthless corporation.

If the premises which I assume be correct, that the act of assignment was unauthorized by the provisions of the charter, or that the charter was in the nature of a "*contract*," the conclusion is irresistible, that the act was illegal, without sanction of law, and void.

As the Supreme Court has already decided one branch of the subject, in favor of the legality of the assignment, it is reasonable to infer that they will also decide that the assignment did not work a forfeiture of the Bank charter; for the Bank cannot be presumed to have forfeited its charter, in doing a legal act.

In your deliberations upon this subject, I am sure you will act like statesmen, and avoid, if possible, any collision with a co-ordinate branch of the government, and reconcile, if possible, conflicting opinions, where it can be done without a surrender of the great sovereign power with which you are clothed by the constitution.

With some hesitation, (as it involves a subject of the greatest delicacy, and of much difficulty), I have expressed briefly my opinion in relation to the power of the Legislature to act upon the charter of the Real Estate Bank; and, in that opinion, I may be in error. I am disposed to distrust my own judgment, upon legal questions, when it conflicts with the opinions of some of the most enlightened and wisest jurists of our country; and should you doubt the power or policy of attempting to provide, by legislative enactments, some remedy for the existing evils, I would suggest the appointment of a committee, or commissioner, to examine and take an inventory of all the assets and liabilities of the Bank, and to report immediately to the Legislature, to enable you to arrive at some data, to govern your future action. The interest of the State demands, at least, that some *summary* remedy be enacted, to control the action of the *Bank or Trustees*, whereby the Trustees may be removed, without delay, whenever the deed of assignment is not strictly complied with, or, if the assignment should hereafter be set aside, that provisions be made to put the Bank forthwith into liquidation.

I would suggest, for your consideration, should one or more of our banking institutions continue to exist, whether in future any refusal by a bank to redeem its circulation, or a *false report* of any officer of a bank, shall not be evidence of a fraud, and the corporation be placed in immediate liquidation; and whether the *embezzlement* of the bank assets, or a false report to the Legislature, *by a bank officer or trustee*, shall not subject the offender, and all persons *privy* thereto, to indictment and appropriate punishment?

The whole amount of appropriation of the last session of the Legislature, for the payment of work and contracts on the Penitentiary and State House, has been expended, leaving a balance of about five thousand dollars still due upon the old contracts on the Penitentiary. Most of the contracts have been settled and paid, for work on the State House, leaving a balance, unexpended, of three thousand two hundred and sixty-six dollars and twenty-eight cents, of the late appropriation, and about one thousand one hundred dollars of the money arising from the sale of the five sections of land, to be applied expressly for the repairs of the State House.

I consider the State House in a condition to require no further appropriation, so that the surplus on hand may be placed to the credit of the treasury.

The five thousand dollars due contractors on the Penitentiary should be paid. No further appropriation will be required for the next few years, for additional repairs. The convicts will be required to progress as rapidly as possible in making an exterior wall, which is indispensable to their security.

For further particulars upon those subjects, I refer you to the report of the Commissioner of Public Buildings, marked (A.), which is so clear and lucid, that it cannot be misunderstood. The report of Mr. McVicar, the Agent of the Penitentiary, is also enclosed.

I am gratified to have it in my power to state, that few or no special appropriations will be necessary for the next few years, and that the present rate of taxation will be sufficient to meet all the *ordinary* expenditures, as will be seen by the reports of the Auditor and Treasurer, marked C. and D. By reference to those reports, you will be enabled to learn the condition of the State Treasury, which I am pleased to find in a healthy and prosperous condition, if disconnected with our liabilities for our banking capital. I hope the assets of the Banks can be made available to meet their liabilities, which must in a great degree depend upon the times, the indulgence granted the debtors, and the fidelity of the agents in securing the debts due the Banks.

We have now in the State Bank, in bills receivable, the surplus revenue, amounting to	$303,225 88	
Dividend on the above amount,	36,399 10	
		$339,724 98
The amount of the 5 per cent.,	62,768 98	
Dividend,	6,008 22	
		68,777 20
Total,		$408,502 18

Our liabilities for money borrowed at sundry times, of the Banks, are—		
State Bank,	$145,000 00	
Real Estate Bank,	38,000 00	
		$183,000 00

Leaving in the State Treasury, after cancelling the above amount, the sum of	$225,502 18

Seminary funds in the State Bank, in cash,	$2,188 41	
Notes for sales of seminary land, due in five annual instalments, from 1st May, 1842,	25,663 84	
Notes in Bank, now due,	1,800 00	
		$29,652 25

Common school fund,	$1,268 64	
Saline fund,	135 15	
		$1,403 79

From the above statement, it will be seen, that we shall have in the Treasury, besides the Seminary and Saline funds, the sum of $225,492 18 cents, after all our liabilities are paid, except the bank debts and bank liabilities.

The amount borrowed from the banks should be cancelled as soon as possible, so as to avoid the payment of the interest on the State bonds.

Under the provisions of the distribution act, the Secretary of the Treasury is required to pay over to each State their respective proportions, to such agents as the Legislature may appoint, and, in the recess of the General Assembly, to such persons as the Governor may authorize, and to be paid half-yearly.

There is a provision, however, in the fourth section of said act, that requires that all moneys due and payable by said act, shall be first applied to the payment of debts due to the United States.

The general government had purchased State bonds, amounting to half a million of dollars, in which the Smithsonian legacy was vested; also, one hundred and forty thousand dollars of the Choctaw fund; making, in the whole, the sum of about six hundred and forty thousand dollars, good funds. The State would receive from the general government, under that act, only about five thousand dollars; hence, it will be seen, that no portion of the Distribution money would go into the State treasury, but would be retained, to pay the interest on the State bonds. I therefore declined to make any application, until the meeting of the General Assembly.

Education is a subject of such deep and vital imeortance to the happiness and prosperity of the whole country, that we shall be considered recreant to the best interest of the State, if the subject is longer neglected. With ample means, subject to your command, in grants of public lands, for common schools, as well as colleges and universities, you cannot fail to provide that guaranty which secures to the citizens and to the State the full value of civil liberty. As the public mind is elevated in the scale of learning, so are the means of advancing the moral and intellectual progress of society increased and rendered stable. Hence, self-preservation should be a sufficient incentive to lay deep and broad the foundation of universal education.

In a government like ours, where the people govern, they should be both virtuous and intelligent. They are then not only willing to obey the laws, but competent to make them. Indeed, the perpetuity of our government depends in a great degree upon the general intelligence and information of the people. The history of the past has taught us, where there is mental and moral light, there is liberty. Those truths are verified by the prosperous and happy condition of our own republican government. And, above all, science and learning unveil the beauty and sublimity of nature, and lay open the proofs which enable the mind to grasp at and admire the infinity of God, the great Arbiter of all human destinies, and the Author of all truth.

Then let me appeal to you, by the debt you owe your country, by the just claims of morality, religion, and of freedom, let not the light of knowledge be extinguished in your hands, but, on the contrary, build to it honorable temples and imperishable altars, that it may be made to descend "like the unclouded sun, bright and glorious to your posterity."

In the accomplishment of so desirable an object, you will consult the various conditions, pursuits, opinions, habits, and characters of our people, or the system you establish will bear the seeds of its own destruction. Then I invoke you to lay aside all local and political prejudices, and cultivate a spirit of concession and compromise, in establishing this system, the blessings of which should fall, "like the dews of heaven, alike upon all."

In the discharge of the various duties incident to the high office you now fill as the representatives of a free people, you are to do the greatest good for the greatest number; and, in the accomplishment of that object, you are to look to the main source of our wealth and prosperity—that of agriculture.

The subject is one of too much importance, to be viewed with indifference, or longer neglected; nor should you fail to apply all the means constitutionally vested, to advance the prosperity of the most numerous as well as the most valuable class of our citizens.

No business is more important, no pursuit more honorable, than that of agriculture; the wealth, the power, the morality of a nation, depend upon it.

No State in the Union is better adapted to agriculture than our own; abounding in the richest soil, a pleasant and healthful climate, with navigable streams spreading into almost every county, and withal an industrious, honest, and enterprising population.

The spirit of improvement is abroad; an impulse has been given to the mind, and a profitable direction to labor; and every day adds to the number who lend their wealth and talent to the diffusion of knowledge, and to the dissipation of ignorance, prejudice, and error. Let us, then, unite in extending that impulse, until the farmer shall have taken that high stand in society and government, to which his honorable and useful pursuits so well entitle him.

The very foundation of a republican government is based on good morals and a general diffusion of knowledge; and they are not only necessary to the prosperity of a free people, but absolutely essential to their free existence. With a view to perpetuate our happy form of government, and to advance the great interest of the laboring classes, industry and education should be in some way interwoven; and I know of no mode better calculated to suit the condition and character of our people, than "agricultural schools," based upon the liberal donation of the general government. To secure a just reward for industry, and to elevate the character of the laboring classes, I would suggest the policy of allowing the farmer and mechanic the privilege of disposing of the proceeds of their labor without license or taxation. Let us speedily return to the old-fashioned habits of industry and economy, and relieve our country and families from the burthens which have been imposed by a reckless spirit of speculation, unprecedented, perhaps, in the history of the world. The vast expansion of paper money, a few years ago, induced our farmers, mechanics, and professional men to plunge into the deceptive vortex, and we are now reaping the bitter fruits of that insanity. The sooner we return to habits of industry and frugality, the sooner will we enjoy prosperity and contentment.

The provisions of the Distribution act, of the 4th Sept., 1841, were so modified as to authorize the Executive of the States of Missouri, Illinois, and Arkansas, to locate the five hundred thousand acres of land granted to those States, without the necessity of an extra session of the Legislature. Upon the official information of the passage of the act, I notified the Secretary of the Treasury, that the grant to this State was accepted, so far as my official act could make it so; and I took immediate steps to carry it into effect, by the appointment of locating agents, who have been engaged, and who have selected land to the amount of 123,720 acres, as will be more fully shown by reference to the statement marked (B.)

The balance unlocated, will remain subject to the disposition of the Legislature; and, as a matter of economy, I beg leave to suggest for your consideration, the policy of selling the remainder in *certificates unlocated*. The manner and policy of disposing of the 500,000 acres, will receive that consideration which its importance demands. From the pressure of the times, and the quantity of public land in market, we cannot anticipate a ready sale for cash. You will, therefore, be under the necessity to sell on time, so as to suit purchasers, and thereby enhance the price of the land.

The policy of offering the land at public sale, and graduating the price adopted in the sale of seminary lands, is perhaps the most acceptable to the country; and hundreds of our citizens might be furnished with homes, by allowing a settler the right to enter 40 or 80 acres, at some reasonable price, to be fixed by the Legislature. Such a system would tend to settle and improve the country, and advance the price of the adjoining lands. It was unavoidably necessary to furnish the agents with a small portion of money, for contingent expenses, to be accounted for on settlement of their accounts for their services; and I was therefore under the necessity to assume the responsibility of using a portion of the State-house fund, in bank, which was subject to my order; and I paid to the agents the sum of $728, as per vouchers now on file.

In carrying into effect this liberal donation to the State, we should be guided by a spirit of concession and harmony, having in view the adoption of some sytem that will promote the greater interests of every portion of the State, and the establishment of such works as will prove of the greatest good.

Our means will be ample, if judiciously managed, to improve and repair our important highways, and to remove the obstructions in our navigable rivers.

As a means to effect the judicious and proper application of the fund, I would respectfully suggest the appointment of a *Board of Internal Improvement*, with a civil engineer, whose duty it should be to make an examination of all the principal roads and rivers in the State; and, if thought necessary, to class them according to their importance and usefulness, and to report them to the next Legislature, with the estimates upon each, for their adoption or modification. By that means, the Legislature will be enabled to act understandingly, and equal justice will be more likely to result to every portion of the State.

In connection with the subject of internal improvement, I beg leave to present for your consideration the policy of establishing a STATE LAND-OFFICE, for the purpose of managing and controlling the public lands, which have been granted to the State for internal improvement and education, based upon the principles of the General Land-office of the Federal Government, with such changes and modifications as will be necessary to our condition. With a very small additional compensation, the duties of *Receiver* and *Register* could be assigned to the Auditor's and Treasurer's Departments. This would secure a proper accountability, and the business would be transacted with more order and regularity, with the proper checks and balances so important to the security and preservation of the finances of the State. All the proceeds of the sales of the lands belonging to the State, would then be where they should be—in the public treasury.

The defenceless condition of our frontier, renders it proper that I should again bring to your notice the consideration of that subject. The safety of the frontier inhabitants has been, and should continue to be, an object of solicitude to the whole American people. Our vast and fertile valley of the Mississippi, which already attracts the admiration of the world, would now be a savage wilderness, unmarked by the hand of civilization, had the frontier inhabitants been abandoned to the mercy of the savage. It has been the policy of the virtuous and the wise, since we have existed as a nation, to defend those patriotic and worthy citizens who have emigrated to the wilderness, amidst the dangers and hardships incident to the settlement of a new country. The peace of our frontier, the security of the lives and property of our citizens, very much depend upon a strict and faithful observance, on the part of our government, of the intercourse law, and the treaty stipulations with the Indians.

It was natural, and in conformity to the principles of our government, (principles which give it so much lustre in the eyes of the civilized world), that some general plan should be adopted for the preservation of the liberty, peace, and happiness of this unfortunate race of men. The liberal and humane system adopted, has been a favorite measure of the government, until we now see them rapidly advancing in civilization, even beyond our most sanguine calculations.

A system of education has been fostered, and is now in extensive and active operation, which is the true foundation of all other improvements. But whilst the government is using every means to establish the arts and usages of civilized life among the Indians, shall our own citizens be neglected, and left to the mercy of the vicious and unrestrained portion of the tribes, who can easily be led on to deeds of rapine and violence? And shall it be said that our government is less watchful of the interests of our citizens than of the savage? It is unpleasant to entertain such opinions; and yet, our condition is not unknown to the departments at Washington; and when a respectful application is made for that protection which we have a right to "DEMAND," we are not only treated with indifference, but, what is still more remarkable, *our posts of defence are abandoned, and their military forces withdrawn.* Let us then once more appeal to the General Government, in the name of a free and outraged people, before we pronounce them RECREANT to our interest, and false to their pledges. In the mean time, I beg leave to urge the policy and necessity of a more thorough organization of the militia, to afford that protection and security, which is essential to our peace and prosperity, and which have been denied us by the Federal Government.

Since you last assembled, I have received from the Secretary of the United States, a standard of WEIGHTS AND MEASURES, for the use of the State; also, 72 copies of Documents, legislative and executive, of the Congress of the United States, in relation to the public lands, in five folio volumes—one copy for each court of records—to be deposited and kept under the direction of the Legislature.

There are many other subjects of deep and vital interest to the people of this State, which will claim your attention, and will, no doubt, receive at your hands due consideration. In all things, you may rely upon my co-operation, in the accomplishment of such objects as will tend to better our condition, and preserve inviolate the great principles of our government.

In our endeavors to preserve the great principles of freedom and of civil liberty, let us not be unmindful that we are indebted to a kind Providence, for those and all other blessings which have been so bountifully bestowed upon us since our existence as a sovereign State.

A. YELL.

Executive Department,
Little Rock, Nov. 8, 1842.

AUDITOR'S REPORT.

Auditor's Office,
Little Rock, (Ark.) 1st Oct., 1842.

To his Excellency A. Yell,
Governor of the State of Arkansas:

Sir—Agreeably to law, the Auditor has the honor to submit to you this Report, showing the condition of the revenue, and the receipts and expenditures of the State, for the last two years, ending with the 30th day of September, 1842.

Statement marked A, shows that the appropriations made at the last session of the General Assembly, with balances of former appropriations, unexpended on the 1st day of October, 1840, amount, in the aggregate, to $258,74 094; that the Auditor has drawn warrants amounting to $166,808 18; and that the balances of appropriations, unexpended on the first day of October, 1842, amount to $92,166 76.

Tabular statement marked B, exhibits the receipts into the treasury from all sources; the several funds belonging to the State, deposited in the Bank of the State of Arkansas, as part of the capital; the dividend declared thereon by the General Board of the Bank, on the 14th day of November, 1840; the balance of each fund in the treasury on the 1st day of October, 1840; the expenditures of the State; and the balance in the state treasury on the 1st day of October, 1842. From this statement, it will be seen, that the funds received, applicable to State expenditures, with the balance in the State treasury on the 1st day of October, 1840, which was $18,961 69, amount to $173,769 10; that warrants have been drawn by the Auditor, amounting to $166,808 18; that the State Treasurer has paid, without warrants, $2,909 02, interest, to the Real Estate Bank; $65 64 to individuals, for money paid into the treasury, through error; and $39 81 for $32 scrip, and $7 81 interest thereon; showing the total expenditures of the State to be $169,822 65, and leaving a balance in the treasury, on the 1st day of October, 1842, of $3,946 45, applicable to

State expenditures. This statement shows that the county tax paid into the State treasury, for forfeited lands disposed of by the Auditor, with the balance of county tax in the treasury, on the 1st October, 1840, which was $3,111 62, amount to $6,926 88; that the sum of $4,100 61 has been paid out upon drafts of county treasurers, and $31 58 refunded to individuals, leaving a balance of county revenue in the State treasury, on the 1st day of October, 1842, of $2,794 69, which sum is also exhibited in statement marked H, with the names of the counties to which it belongs, and the amount thereof due to each. Exclusive of the ordinary revenue, the various funds belonging to the State, deposited in the Bank of the State of Arkansas, as exhibited in statement marked B, are the common school fund, produced by the sales of forfeited lands, by the Auditor, after deducting the State and county taxes, and costs of sales, $1,394 12; the five per cent. fund, $68,777 20; the surplus revenue fund, $339,724 98; the Saline fund, $151 37; the Seminary fund, $2,188 41; making in all $412,236 08. In addition to the amount of the Saline fund collected, the sum of $475 appears to be due from individuals, to whom the Governor of the Territory of Arkansas, in 1832, under an act of Congress, leased salt springs, for a term of five years, ending with the 30th September, 1837. And statement marked E, contains a list of notes belonging to the Seminary fund, and bearing interest at the rate of ten per cent. per annum, from the dates thereof, amounting, in the aggregate, to $29,269 53, which sum added to $2,188 41, in bank, shows the total amount of the Seminary fund, in cash and notes, to be $31,457 94.

Statement C, exhibits each species of property taxed, for the year 1841; and D, each species of property taxed for the year 1842; the separate value of each species; the aggregate value of taxable property in each county and in the State; and the total amount of taxes charged to sheriffs upon returns made to this office of by the clerks, as far as returns have been received. As these statements have been formed from 82 tax-lists, besides other returns, some of which are rather complicated, they may contain slight errors; but the care with which these lists and returns have been examined and added at this office, it is believed, renders it certain that these tabular statements contain no errors of magnitude.

The office of sheriff being vacant in Green county, at the time prescribed by law for returning the appropriate list to the clerk, and no such return having afterwards been made to him, as it is believed, for the year 1841, he was unable to furnish this office with a tax list for that year.

The tax list of Jackson county, for the year 1842, has not yet been received, and no good reason is known why the clerk should have failed to furnish it. The clerks of the several counties, with but few exceptions, have been prompt in making their returns.

The commissions of sheriffs are frequently much reduced by the expenses of traveling to the seat of government, to settle their accounts.

As an inducement to render them more prompt in settling, it would, perhaps, be an act of justice and good policy, to reward the punctual, by allowing them traveling expenses.

In 1841, Hugh C. Hinton, then sheriff of Desha county, assessed the taxable property of that county, made return of his assessment list to the clerk, and afterwards receipted for, and was charged with, the amount of the tax list, but soon after died, having collected but a small amount. The amount due not having been paid within the time prescribed by law, the commissions for assessing and collecting became forfeited to the State, and other penalties accrued. On the 28th day of June, 1842, the widow of the late sheriff paid the full amount due, with the exception of the penalties, from which it would seem to be an act of justice to release the estate, by legislative action.

The total amount due the state from defaulting sheriffs, exclusive of penalties, is $8,041 12; of which the sum of $2,151 61 was assessed under the Territorial government; and the balance of $5,889 51, under the State government. The amount assessed under the State government is composed of $4,003 24, due from a former sheriff of Chicot county, for revenue of the year 1838; (and, for the collection of which, the Auditor issued a distress warrant, which was arrested by an injunction, and the case is now pending before the Circuit Court of Pulaski county, in chancery); of $903 51, due from a former sheriff of Crittenden county, for revenue of 1840; of $128 86, due from the sheriff of Benton county, for revenue of 1841; (for the collection of both of which the Auditor issued distress warrants, but they have not yet been returned); of $842 76, assessed in Miller county, for revenue of 1837; (but, it is presumed, not collected, as that county, soon after ceased to be organized under our laws, and now forms a part of Texas); and of $11 13, the aggregate of small balances due from other former sheriffs.

Although to escape the heavy penalties imposed on defaulters, it is necesary for the sheriffs to settle within the time prescribed by law, it is but due to them so say that they have generally been prompt in discharging their indebtedness.

Table marked F, is a statement of the State debt, and the means which might be applied to extinguish it, without imposing an additional tax. The indebtedness of the State to the banks of this State, including interest up to the 30th September, 1842, inclusive, was $212,752 59; the amount of scrip in circulation, $619 89; making, together, $213,372 48, from which subtract $3,946 45 cash, in the treasury, and the sum of $209,426 03, will reman as the debt of the State on the 30th September, 1842.

It is estimated that all other dues from the State, on account of the Penitentiary, State-house, contingent expenses of the Supreme Court, printing the third volume of the Reports of the Supreme Court, taking the census of the State, salaries of officers, and all contingent expenses of the State, up to the 30th September, 1842, inclusive, amount, in the aggregate, to $22,627 52; and that the expenses of the approaching session of the Legislature will amount to about $35,000; which two sums, added to the State debt, make $267,053 55.

To meet and discharge all dues from the treasury, to pay the expenses of the approaching session of the Legislature, and thereby, hereafter, avoid the policy of borrowing, in anticipation of the revenue, and to extinguish the State debt, so much augmented by extraordinary expenditures on the Penitentiary and State-house, and thereby stop the interest accruing upon it, and avoid onerous taxes upon the people, to pay the principal and interest, it is proposed to take this sum of $267,053 55 from $339,724 98, surplus revenue deposited in bank, as exhibited in statement marked B, which would leave a balance of $72,671 43, unexpended.

Statement G. contains estimates of the receipts and ordinary expenditures for two years, ending with 30th September, 1844, exclusive of arrearages due from the State, and of the expenses of the approaching session of the Legislature, estimated in table marked F.

It is estimated that $77,000 will be paid into the treasury during the two years; and that the ordinary expenditures for the same period, will be $59,400; which would leave a balance in the treasury, on the first of October, 1844, of $17,600.

As the faith and credit of the State are pledged for the payment, by the banks, of the principal and interest of the State bonds issued to, and sold, agreeably to law, by them, the Auditor deemed it advisable to ascertain, from these institutions, whether they had paid the interest due on such State bonds, and, therefore, called on their officers for information on the subject. From the statement furnished this office, by the Secretary to the Trustees of the Real Estate Bank, it appears, that "the regular and undisputed interest owing by the Bank, including commissions, is $91,169 64;" of which the sum of $80,601 is payable in New-York, and $10,568 64 in London. One half of this interest was due on the 1st day of January, 1842, and the other on the 1st July, 1842. It also appears, from this statement, that "the interest and exchanges on bonds sold by the Bank, amounting in all to upwards of two hundred and sixty thousand dollars, have been regularly paid up to 1st July, 1841; and of the amount due on 1st January, 1842, a considerable amount of means had accumulated, and would have been applied to the payment of interest, but for the difficulties of an attachment, sued out in New-York, by Holford & Co., of London, on account of the 500 bonds hypothecated with the North American Trust & Banking Company, and wrongfully disposed of by said Company."

The Cashier of the Bank of the State of Arkansas states, that "all the interest due from the Bank has been paid up in full, to the 1st July, 1841, inclusive; and the further sum of $8,968 13 has been paid, on account of the interest due on 1st January, 1842." And t the total sum of interest due from the Bank, on account of the State bonds, exclusive of exchange and brokerage, is $58,331 87; of which the sum of $24,681 87 was due on the 1st day of January, 1842, and $33,650 on the 1st day of July, 1842. Of the interest due, the sum of $30,000 is payable in London, and $28,331 87, in New-York.

It therefore appears, that neither Bank has paid all the interest due on State bonds sold by it; and that the whole amount of interest remaining due and unpaid, is $149,501 .51, exclusive of exchange and brokerage, on the amount due from the State Bank.

Many persons have availed themselves of the benefits of the law passed by the last Legislature, entitled, "An act to donate to actual settlers the right of the State to certain forfeited lands;" so that some of these wild lands, heretofore uninhabited, uncultivated, and producing no revenue, have become changed to the homes of the industrious and enterprising persons, who settled, improved, and will cultivate them. For the relief of persons who in good faith attempted to comply with the law, but were prevented by sickness and other causes from completing their improvements until after the expiration of twelve months from the dates of their conditional deeds, but who have since completed them, it is recommended that a law be passed, confirming their titles, upon condition that they will file with the Auditor the necessary certificates, showing that they made their improvements within fifteen months of the dates of the deeds, respectively.

It would doubtless tend to make non-residents more prompt in paying taxes upon their lands, were they authorized by law to pay them directly into the State treasury; and it seems that it would be practicable to confer this privilege on non-residents, without any additional tax upon the treasury.

Injunctions granted against distress warrants issued by the Auditor, greatly retard what was designed by the Legislature as a speedy process for the recovery of revenue retained by defaulters. To require the amount of a distress warrant to be deposited with the State Treasurer, in lieu of security, when application is made for an injunction, would no doubt prevent defaulters from applying to the courts merely for delay. Distress warrants, being in the nature of executions, are also subject to be arrested by the provisions of the act entitled "An act to regulate the sale of property on execution." The passage of a law to prevent the application of this act to any process for the recovery of money due the State, would seem to be good policy.

Where appeals in State cases are taken to the Supreme Court, and judgment rendered against the State for costs, it would seem but just, to require the proper counties to pay the costs, as they are entitled to all fines upon convictions.

The Supreme Court, on the 16th day of February last, declared section one, of chapter forty-two, "Revised Statutes of Arkansas," unconstitutional. Under this section, the Auditor had deducted $900 from the salaries of Circuit Judges, who failed to hold their courts at the times prescribed by law; and the amount withheld cannot now be paid, for want of an appropriation.

If cases in the circuit court, requiring special judges, could be certified to, and tried in other circuits, upon the principle of change of venue, it would lessen the expenses of the State about $1000 per annum.

I am very respectfully,
your obedient servant,
ELIAS N. CONWAY, *Auditor of Public Accounts of the State of Arkansas.*

[A.]

EXPENDITURES.

A TABULAR STATEMENT, exhibiting the amounts of appropriations made at the session of the General Assembly, in November and December, 1840, with the addition thereto of amounts expended under similar heads, from the 30th September to the 28th December, 1840, which amounts, so added, were expended out of balances of former appropriations remaining unexpended on the 30th September, 1840; and the parts of such balances which were not expended before the 28th December, 1840, are included in the amounts appropriated for similar objects, by act of 28th December, 1840. Also, exhibiting the balances of all other appropriations reported as unexpended, 30th September, 1840, the amounts of warrants drawn, under their appropriate heads, from the 1st day of October, 1840, to the 30th day of September, 1842, both days inclusive, and the balance of each appropriation unexpended, at the expiration of the last mentioned day.

	FOR WHAT PURPOSES APPROPRIATED.	AMOUNTS OF APPROPRIATIONS.	AMOUNTS EXPENDED.	BALANCES UNEXPENDED.	
1.	To pay for labor done and under contract to complete the Penitentiary, with addition of $314 75 expended from 30th September to 28th December, 1840,	$40,814 75	$40 636 02	$178 73	1
2.	To pay for the completion of the State House in the City of Little Rock,	37,000 00	33,733 62	3,266 38	2
3.	To pay members and officers of the General Assembly, by acts of 3d and 28th December, 1840, absorbing unexpended balances of former appropriations,	27,000 00	25,245 00	1,755 00	3
4.	To pay contingent expenses of the Senate and House of Representatives, $2,000, appropriated by act of 28th Dec., 1840, aggregate of balances unexpended 30th Sept., 1840, being	2,936 93	846 35	2,090 58	4
5.	To pay for printing the Acts and Journals, by acts of 22d and 28th December, 1840, absorbing unexpended balances of former appropriations,	5,000 00	2,262 18	2,737 82	5
6.	To pay the salary of the Governor, by act of the 28th Dec., 1840, with addition of $191 78, expended from 30th Sept. to 28th Dec., 1840,	5,191 78	4,000 00	1,191 78	6
7.	To pay salaries of Judges of the Supreme Court, by act of 28th Dec., 1840, with addition of $900 expended from 30th Sept. to the 28th Dec., 1840,	11,700 00	11,150 00	550 00	7
8.	To pay salaries of Judges of the Circuit Court, by act of 28th Dec., 1840, with addition of $1,930 94 expended from 30th Sept. to 28th Dec., 1840,	18,730 94	16,075 83	2,655 11	8
9.	To pay salaries of Prosecuting Attorneys, by act of 28th Dec., 1840, with addition of $155 27 expended from 30th Sept. to the 28th Dec., 1840,	4,355 27	4,355 27		9
10.	To pay Prosecuting Attorneys pro tem.,	2,000 00	40 00	1,960 00	10
11.	To pay contingent expenses of the Executive Department, &c., by act of 28th Dec., 1840, with addition of $466 25 expended from 30th Sept. to 28th Dec., 1840,	5,966 25	5,435 00	531 25	11
12.	To pay salaries of Secretary of State, Auditor, and Treasurer, by act of 28th Dec., 1840, with addition of $99 72 expended from 30th Sept. to 28th Dec., 1840,	5,299 72	5,299 72		12
13.	To pay Registers of Land-offices and Auditor for lists of lands, by act of 28th Dec., 1840, with addition of $55 03 expended from 30th Sept. to 28th Dec., 1840,	2,055 03	918 06	1,136 97	13
14.	To pay for printing, binding, and distributing the second volume of the Reports of the Supreme Court,	2,255 00	2,254 40	60	14
15.	To pay salary of the Reporter of the Supreme Court, by act of 28th Dec., 1840,	500 00	412 50	87 50	15
16.	To pay salary of Adjutant General, by act of 28th Dec., 1840, with addition of $23 73 expended from 30th Sept. to 28th Dec., 1840,	523 73	155 67	368 06	16
17.	To pay for advertising lands forfeited for taxes, by act of 28th Dec., 1840, absorbing unexpended balances of former appropriation,	1,000 00	258 50	741 50	17
18.	To pay clerk hire in the Auditor's office, by act of 28th Dec., 1840, with addition of $304 15 expended from 30th Sept. to 28th Dec., 1840,	1,704 15	1,215 34	488 81	18
19.	To pay clerk hire in the Secretary's office,	300 00	248 50	51 50	19
20.	To pay for Job Printing of the General Assembly of 1840, absorbing unexpended balance of former appropriation,	1,400 00	1,177 09	222 91	20
21.	To pay Special Judges of the Supreme Court, $1000 appropriated by act of 28th Dec., 1840, aggregate of balance unexpended 30th Sept., 1840, being	1,200 00		1,200 00	21
22.	To pay Special Judges of the Circuit Court, by act of 28th Dec., 1840,	500 00	500 00		22
23.	To pay Special appropriations, as per acts of 21st November, and 3d, 4th, 5th, 22d, 25th, and 28th Dec., 1840, not contained under other heads,	4402 86	4,202 86	200 00	23
24.	To pay for furniture for the State House, balance of appropriation unexpended 30th Sept., 1840,	1,500 00	1,498 56	1 44	24
25.	To pay Electors of President and Vice President of the U. S., by act of 26th Dec., 1840, with balance unexpended 30th Sept., 1840,	156 39	140 00	16 39	25
26.	To balance of appropriation, by act of 3d November, 1835, to pay Executive postage, and to pay for bringing election returns, unexpended 30th Sept., 1840,	506 25	65 70	440 55	26
27.	To pay for distributing the Acts and Journals, by act of 22d December, 1840,	500 00	474 00	26 00	27
28.	To pay salary of Commissioner of Public Buildings,	2,000 00	1,758 21	241 79	28
29.	To pay officers and contingent expenses of the Penitentiary, by act of 17th Dec., 1838, enforced by act approved 19th Dec., 1840;	5,000 00	2,284 75	2,715 25	29
30.	To pay for recording and arranging in township order abstracts of taxable lands, the balance unexpended 30th Sept., 1840, being	979 29		979 29	30
31.	To pay warrants drawn under act approved 26th December, 1840, to authorize the State Treasurer to refund money paid into State Treasury through error,	165 05	165 05		31
32.	To pay Enrolling Clerk of the [illegible]	[illegible]		[illegible]	32
33.	To pay expenses of calling out militia, under act of 3d March, 1838, unexpended 30th Sept., 1840,	12,000 00		12,000 00	33
34.	To pay Sheriffs' fees, and other contingent expenses of calling out militia, under the act of 3d March, 1838, unexpended 30th Sept., 1840,	2,000 00		2,000 00	34
35.	To amount appropriated by act of 3d March, 1838, to carry into effect 11th section of said act, to sustain the sovereignty of the State, unexpended 30th Sept., 1840,	50,000 00		50,000 00	35
36.	To amount appropriated by act of 8th November, 1836, to enable the Governor to obtain a loan of $40,000 unexpended 30th Sept., 1840,	1,000 00		1,000 00	36
37.	To balance of special appropriations made at the Special Session of the General Assembly, unexpended 30th Sept., 1840,	76 30		76 30	37
38.	To pay Commissioners for selecting Salt Springs, balance unexpended 30th Sept., 1840,	152 00		152 00	38
	Total,	$258,974 94	$166,808 18	$92,166 76	

ELIAS N. CONWAY, *Auditor of Public Accounts of the State of Arkansas.*

AUDITOR'S OFFICE,
Little Rock, Ark's, 1st October, 1842.

[B.]

RECEIPTS, &c.

A TABULAR STATEMENT, showing the receipts into the State Treasury, from all sources, from the 1st *day of* October, 1840, *to the* 30*th day of September*, 1842, *both days inclusive; the balance of each fund in the Treasury on the* 1st *day of October*, 1840; *the dividend declared by the General Board of the Bank of the State of Arkansas, on the* 14*th day of November*, 1840, *on State funds deposited in said Bank; the expenditures of the State from the* 1st *day of October*, 1840, *to the* 30*th day of September*, 1842, *both days inclusive; and the balance of each fund in the Treasury on the* 1st *day of October*, 1842.

Time paid in.	Paid by the Secretary of State, on account of Revised Statutes sold by him.	Bonus, and Interest on Bonus, paid by Real Estate Bank.	State Tax paid for Lands.	Cash paid by Collectors.	Borrowed of State Bank, under act approved 28th December, 1840.	Borrowed of the Br. of the State Bank at Fayetteville, under act approved 28th December, 1840.	Borrowed of the Real Estate Bank, under act approved 28th Dec. 1840.	Revenue, &c.		Funds deposited in State Bank as part of the Capital.					Total.
								Gross amount of State funds.	County Tax paid for Lands.	Common School fund, under Sec. 135, revenue law.	Saline Fund.	Seminary Fund.	Surplus Revenue of U. States.	Five per cent. Fund.	
	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.
4th Quarter of 1840,			194 36	19,210 34				19,404 70	150 88			15 20		6,388 80	
1st Quarter of 1841,		5,000	972 25	1,834 26	20,000		25,000	52,806 51	644 55						
2d Quarter of 1841,			537 98	6,323 66	10,000	10,000	10,000	36,861 64	390 18			228 60			
3d Quarter of 1841,	4 00		144 06	1,962 48	5,000		3,000	10,110 54	169 70						
4th Quarter of 1841,	8 00		803 11	26,292 20				27,103 31	830 19					6,311 68	
1st Quarter of 1842,	8 00		997 12	475 06				1,480 18	984 72	223 00		243 60			
2d Quarter of 1842,			481 84	310 00				791 84	301 31						
3d Quarter of 1842,		5,208 33	342 86	697 50				6,248 69	343 73			337 36			
Total receipts into Treasury,	20 00	10,208 33	4,473 58	57,105 50	35,000	10,000	38,000	154,807 41	3,815 26	223 00		824 76		12,700 48	
Balance in the Treasury on the 1st day of October, 1840,								18,961 69	3,111 62	1,045 64	135 15	1,215 92	303,325 88	50,068 50	
Dividend declared by the General Board of the Bank of the State of Arkansas, on the 14th November, 1840, on State Funds,										125 48	16 22	147 73	36,399 10	6,008 22	
Total,								173,769 10	6,926 88	1,394 12	151 37	2,188 41	339,724 98	68,777 20	

EXPENDITURES.

When expended.	Amount of Warrants issued.	Interest paid Real Estate Bank.	State tax refunded to individuals without warrants.	Scrip redeemed by State Treasurer.	Interest paid on Scrip redeemed.	Total amount of State Funds expended.	County Tax paid out upon drafts of county treasurers	County Tax refunded without warrants.	Total amount of County tax paid out.
	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.
4th Quarter of 1840,	36,427 56		13 10			36,440 66	406 03	6 55	412 58
1st Quarter of 1841,	55,830 09		52 54			55,882 63	653 83	25 03	678 86
2d Quarter of 1841,	32,471 32			2 00	91	32,474 23	855 66		855 66
3d Quarter of 1841,	7,308 56					7,308 56	157 68		157 68
4th Quarter of 1841,	11,589 62	552 77		30 00	6 90	12,179 29	483 25		483 25
1st Quarter of 1842,	8,216 06					8,216 06	4 25		4 25
2d Quarter of 1842,	6,387 63					6,387 63	1,216 72		1,216 72
3d Quarter of 1842,	8,577 34	2,356 25				10,933 59	323 19		323 19
Total expenditures of the State,						$169,822 65			

	Gross amount of State funds.	County Tax paid for Lands.	Common School fund, under Sec. 135, revenue law.	Saline Fund.	Seminary Fund.	Surplus Revenue of U. States.	Five per cent. Fund.	Total.
Total expenditures of the State,	169,822 65	4,132 19						
Balance of each fund in the State Treasury on the 1st day of October, 1842,	$3,946 45	$2,794 69	$1,394 12	$151 37	$2,188 41	$339,724 98	$68,777 20	$418,977 22

Auditor's Office,
Little Rock, Arkansas, 1st October, 1842.

ELIAS N. CONWAY, *Auditor*
of Public Accounts of the State of Arkansas

[C.]

A STATEMENT,

EXHIBITING each species of property taxed in the several counties in this State, for the year 1841, *and the separate valuation of each, where practicable to obtain the same from the Tax-lists; the tax paid by Pedlers; the aggregate value of taxable property in each county; and the gross amount of taxes (in dollars and cents, rejecting smaller fractions), charged to sheriffs upon returns made to this office by the clerks of the several counties. Where the amount of taxes, in any county, exceeds one-eighth of one per cent. on the value of the property, the difference must be attributed to arrearages of taxes for other years; and, where the Taxes do not amount to one-eighth of one per cent., the slight variations must be attributed to the difference between the additions of complicated Tax-lists, by the Auditor and by the Clerks.*

	NAMES OF COUNTIES.	Persons liable to pay a poll tax.	No. of acres of land taxed. Hundredths of acre.	Value of land taxed.	No. of town lots.	Value of town lots and improvements.	No. of slaves over 8 years and under 60 years of age.	Value of slaves taxed.	No. of saw-mills.	Value of saw-mills taxed.	No. of tan-yards.	Value of tan-yards taxed.	No. of distilleries.	Value of distilleries taxed.	Household furniture over $400 worth taxed.	No. of pleasure carriages.	Value of pleasure carriages taxed.	No. of horses and mares over 3 years old taxed.	Value of horses and mares taxed.	No. of mules over 2 years old.	Value of mules taxed.	No. of jacks and jennies, over 2 years old, taxed.	Value of jacks and jennies taxed.	No. of neat cattle over 3 years old.	Value of cattle taxed.	Capital employed in merchandizing, taxed.	Money loaned at interest taxed.	Capital in steam-boats taxed.	Pedlers of merchandize license.	Pedlers of clocks license.	Total value of taxable property.	Total amount of State tax.	
1	Arkansas,	244	104,995	$379,875	73	$10,395	408	$157,430		$		$		$	$	2	$500	412	$21.261	71	$3,950	5	$850	2,287	$25,950	$17,000	$600				$617,811	$844 70	1
2	Bradley,	155	58,079	174,445	60	992	328	128,600								1	200	354	21,785	34	2,165	2	600	1,086	11,806	2,200	530		25		343,323	477 14	2
3	Benton,	371	30,709.50	155,500	141	16,603	97	54,700	4	4,900	1	1,000	7	641		3	405	670	41,050	35	2,045	13	1,850	1,365	20,932	29,427	4,972				334,125	418 26	3
4	Conway,	282	41,625	162,528	44	17,150	107	47,355	2	12,000						2	550	635	38,421	8	400	6	320	1,663	20,571	1,400	3,146				303,841	430 14	4
5	Crawford,	585	102,195	382,957	818	207,664	377	183,150	3	2,300					2,900	12	1,020	1,211	65,449	108	5,475	22	1,400	2,663	34,697	64,095	3,641				954,748	1,207 27	5
6	Carroll,	501	3,750	11,664	31	1,878	94	40,700					5	555				1,039	48,362	1	25	5	1,200	1,841	20,232	50	3,131				127,597	162 25	6
7	Crittenden,	240	167,442	889,683	94	7,015	302	156,500										385	21,891	33	1,850	5	1,400	1,508	16,647	3,000					1,107,986	1,465 47	7
8	Clark,	265	155,565	592,341	56	1,015	390	193,158	2	650						1	300	579	30,599	87	4,395	4	830	1,550	18,278	5,000		3,000			849,566	1,075 09	8
9	Chicot,	301	252,420.85	1,336,535	71	43,400	1,868	904,300								1	150	822	42,995	310	15,430			3,150	25,494	11,500	400		175		2,380,204	3,429 43	9
10	Desha,	338	49,168.47	227,397 41	305	104,259	302	142,400	2	2,200								198	10,696	201	10,470	3	375	1,822	19,223	30,500		5,000			552,820 41	638 33	10
11	Franklin,	347	35,976	128,877	89	9,516	219	101,050	2	5,000	4	1,350						681	35,373	38	2,155	4	610	1,430	18,966	5,256	1,700		25		309,853	429 43	11
12	Green,																									1,112					1,112	1 39	12
13	Hempstead,	489	181,826	702,340	253	98,173	1,023	531,150	12	12,900	4	4,150	1	300	2,000	20	4,905	1,322	81,824	138	7,205	9	1,695	3,144	34,539	91,113	10,553				1,582,847	1,983 31	13
14	Hot Spring,	338	35,595.65	133,750 50			153	69,440	2	1,000						2	630	737	47,745	23	1,180	7	750	1,773	22,792	1,700			25		278,987 50	420 45	14
15	Independence,	569	101,078	347,950	155	49,075	325	150,855	3	2,000	1	500	3	820	400	7	1,350	1,219	53,680	31	1,505	9	1,900	2,453	25,721	43,564	1,862	700			681,882	944 38	15
16	Izard,	311	10,709.64	35,239	33	1,042	86	37,650	2	2,500								748	41,270			2	400	1,447	16,780	7,504					142,385	182 33	16
17	Jefferson,	337	109,813.91	493,209 35	215	40,725	630	288,750	9	17,750					1,200			768	38,794	106	5,660	12	2,390	2,497	26,087	19,226 42	2,020		25		935,811 77	1,192 96	17
18	Jackson,	255	75,722 25	294,771 75	58	4,286	161	83,550	3	11,200	1	200	1	300		3	210	453	24,709	21	1,190	1	225	1,035	13,278	2,600	1,363				437,882 75	547 35	18
19	Johnson,	501	55,281	209,022	117	12,225	384	196,258	5	8,500	3	1,500			800			1,006	56,226	60	3,530	8	1,500	2,028	24,430	26,160	7,884				548,035	685 04	19
20	Lafayette,	140	116,257	638,181	7	4,150	1,239	642,780	1	3,000						4	800	384	23,400	413	22,390	3	1,300	1,356	15,857	500	500				1,352,948	1,673 87	20
21	Lawrence,	408	63,035	211,112	101	10,325	165	80,250	1	50	1	50	8	1,405				1,250	60,304	7	330	12	2,150	2,361	25,895	2,645	22,004		25		416,523	544 13	21
22	Monroe,	179	113,435.85	391,299 41	28	2,680	90	44,575								2	400	232	14,685	4	190			768	9,544	2,250					465,623 41	776 23	22
23	Madison,	420	13,735	47,643	78	7,162	59	30,825	2	5,000	2	250	5	700				831	46,332	9	490	2	450	1,202	16,137	1,986	2,117				159,092	204 12	23
24	Marion,	219	4,123.22	12,410 70			23	10,900					2	300				536	27,130					1,104	13,224	5,785	199		50		69,948 70	136 34	24
25	Mississippi,	188	31,740	164,272			276	119,135								2	400	251	14,348	71	4,850	1	100	1,491	18,609	3,000	840		175		325,554	607 00	25
26	Pulaski,	447	186,555.50	761,452	1,726	777,590	685	355,425	12	33,200					13,550	19	4,125	1,055	56,056	110	4,954	7	980	3,208	37,774	154,500	850		25		2,220,457	2,929 84	26
27	Pope,	363	16,550.16	85,305	20	3,596	109	50,583										616	32,461	8	590	1	400	1,417	17,385	8,201	661				199,171	248 96	27
28	Phillips,	523	260 868.75	1,233,168 13	940	12,836	639	331,168	3	20,000	2	800			1,500	1	400	737	46,190			5	1,250	3,078	38,936	20,000		3,000			1,849,249 13	2,406 70	28
29	Pike,	138	10,791	33,178	43	2,854	66	40,925	1	400								226	13,579	14	880	3	800	785	8,975		1,275				102,766	128 44	29
30	Perry,	142	6,517	20,741			24	11,250	1	1,200								223	11,080	2	135			659	7,715		76				52,197	67 74	30
31	Poinsett,	215	43,957	130,495	10	510	51	20,600			1	400	1	60		1	100	296	17,141	5	315	4	600	1,119	11,920	2,600	1,030				185,771	254 68	31
32	Randolph,	343	41,921	152,260	166	12,368	145	69,325			1	1,000	6	675		1	65	817	36,678	3	130	7	1,500	1,590	16,070	2,704	7,050				299,725	398 14	32
33	Sevier,	368	52,178	244,389	38	3,050	518	260,335	1	4,000						2	650	838	13,840	87	4,815	10	2,050	2,401	26,292	2,777	284		25		592,482	789 14	33
34	Saline,	280	72,041	308,388	248	19,589	275	141,730	4	2,700	1	150						504	31,015	64	4,275	3	1,700	1,365	15,625		1,371				526,543	670 65	34
35	Scott,	168					63	31,700	3	5,806								602	20,865	19	985	5	500	722	6,901	7,004	100				73,861	90 58	35
36	*Searcy,*	186					7	3,150								1	20	351	22,192	8	570			599	7,316	700	557				34,505	43 25	36
37	*St. Francis,*	*371*	*115,166*	*406,277*	29	8,800	*196*	*103,650*	*1*	*500*	1	1,000			500	1	150	536	35,091	11	575	4	2,100	1,765	22,544	500					581,687	757 48	37
38	Union,	351	69,626	282,833			465	246,465	2	1,000						3	650	533	36,115	85	5,605	3	250	1,569	20,549		710				594,177	771 13	38
39	Van Buren,	293	5,084	23,674	1	100	51	29,450					3	900				523	31,311	16	935	1	250	1,095	13,959	1,275	904				102,758	126 29	39
40	Washington,	1,015	137,815	469,013	145	52,511	551	282,517	3	500	8	3,445	15	3,024	500	7	830	2,455	138,994	108	5,733	17	2,845	4,302	61,637	36,439	31,983				1,089,971	1,369 71	40
41	White,	162	34,548	104,887			60	28,300	1	500						1	150	273	14,550	1	50	1	400	1,032	10,740	1,800					161,377	212 77	41
42	Yell,	290	21,683	87,351			61	30,100	1	800	2	400	1	100		1	100	594	31,484	13	645	3	675	1,321	13,608	3,250	3,506				172,019	214 53	42
	Total.	13,638	2,989,583.75	$12.476,414 25	6,193	$1,703,624	13,072	$6,432,024	88	$161,556	33	$16,195	58	$9,780	$23,350	100	$19,060	27,962	$1,526,971	2,363	$128.073	209	$38,595	71,121	$833.635	$620,326 42	$117,819	$11,700	$575		$24,119,122 67	$31956 67	

ELIAS N. CONWAY, *Auditor of Public Acconnts*
of the State of Arkansas.

AUDITOR'S OFFICE,
Little Rock, Ark's, 1st October, 1842.

The Following Page(s) are Not Yet Available

If you have a hardcopy page suitable for scanning,
LLMC would like to hear from you.

Thank you.

1-800-235-4446
or
llmc@llmc.com

[E.]

A LIST OF NOTES belonging to the Seminary Fund, bearing interest at the rate of ten per cent. per annum from the dates thereof, taken by the Governor for Seminary Lands sold by him, and deposited in the Bank of the State of Arkansas, for collection; to which is added a list of the Notes in the hands of the State Treasurer belonging to the same Fund, and bearing the same rate of interest.

Under what Act.	Dates of Notes.	Names of Principals.	Names of Securities.	When due.	Am'ts of Notes.
Act approved 17th December, 1838,	18th February, 1840,	Robert A. Watkins	H. L. Biscoe and G. C. Watkins	18th February, 1841	$200
“ “	“	Robert A. Watkins	H. L. Biscoe and G. C. Watkins	18th February, 1842	200
“ “	“	Robert A. Watkins	H. L. Biscoe and G. C. Watkins	18th February, 1843	200
“ “	“	N. H. Badgett	Milo Bricelin and M. H. Hill	18th February, 1843	203
“ “	“	Thomas Thorn	James Lawson, Jr. and R. C. Byrd	18th February, 1841	400
“ “	“	Thomas Thorn	James Lawson, Jr. and R. C. Byrd	18th February, 1842	400
“ “	“	Thomas Thorn	James Lawson, Jr. and R. C. Byrd	18th February, 1843	400
Act approved 28th December, 1840,	4th May, 1842,	A. Whitfield	William Gilchrist and William E. Woodruff	4th May, 1843	96
“ “	“	A. Whitfield	William Gilchrist and William E. Woodruff	4th May, 1844	96
“ “	“	A. Whitfield	William Gilchrist and William E. Woodruff	4th May, 1845	96
“ “	“	A. Whitfield	William Gilchrist and William E. Woodruff	4th May, 1846	96
“ “	“	A. Whitfield	William Gilchrist and William E. Woodruff	4th May, 1847	96
“ “	2d May, 1842,	William Phillips	G. Hardwick and M. W. Dorriss	2d May, 1843	192
“ “	“	William Phillips	G. Hardwick and M. W. Dorriss	2d May, 1844	192
“ “	“	William Phillips	G. Hardwick and M. W. Dorriss	2d May, 1845	192
“ “	“	William Phillips	G. Hardwick and M. W. Dorriss	2d May, 1846	192
“ “	“	William Phillips	G. Hardwick and M. W. Dorriss	2d May, 1847	192
“ “	“	G. Hardwick	William Phillips and M. W. Dorriss	2d May, 1843	483 76
“ “	“	G. Hardwick	William Phillips and M. W. Dorriss	2d May, 1844	483 76
“ “	“	G. Hardwick	William Phillips and M. W. Dorriss	2d May, 1845	483 76
“ “	“	G. Hardwick	William Phillips and M. W. Dorriss	2d May, 1846	483 76
“ “	“	G. Hardwick	William Phillips and M. W. Dorriss	2d May, 1847	483 76
“ “	13th May, 1842,	James Trigg	Richard Pryor, John W. Paup and R. Carrington	13th May, 1843	1,372
“ “	“	James Trigg	Richard Pryor, John W. Paup and R. Carrington	13th May, 1844	1,372
“ “	“	James Trigg	Richard Pryor, John W. Paup and R. Carrington	13th May, 1845	1,372
“ “	“	James Trigg	Richard Pryor, John W. Paup and R. Carrington	13th May, 1846	1,372
“ “	“	James Trigg	Richard Pryor, John W. Paup and R. Carrington	13th May, 1847	1,372
“ “	“	Richard Pryor	J. W. Paup, J. Trigg and R. Carrington	13th May, 1843	392
“ “	“	Richard Pryor	J. W. Paup, J. Trigg and R. Carrington	13th May, 1844	392
“ “	“	Richard Pryor	J. W. Paup, J. Trigg and R. Carrington	13th May, 1845	392
“ “	“	Richard Pryor	J. W. Paup, J. Trigg and R. Carrington	13th May, 1846	392
“ “	“	Richard Pryor	J. W. Paup, J. Trigg and R. Carrington	13th May, 1847	392
“ “	“	John W. Paup	J. Trigg, R. Pryor and R. Carrington	13th May, 1843	784
“ “	“	John W. Paup	J. Trigg, R. Pryor and R. Carrington	13th May, 1844	784
“ “	“	John W. Paup	J. Trigg, R. Pryor and R. Carrington	13th May, 1845	784
“ “	“	John W. Paup	J. Trigg, R. Pryor and R. Carrington	13th May, 1846	784
“ “	“	John W. Paup	J. Trigg, R. Pryor and R. Carrington	13th May, 1847	784
“ “	“	Robert Carrington	J. Trigg, R. Pryor and J. W. Paup	13th May, 1843	392
“ “	“	Robert Carrington	J. Trigg, R. Pryor and J. W. Paup	13th May, 1844	392
“ “	“	Robert Carrington	J. Trigg, R. Pryor and J. W. Paup	13th May, 1845	392
“ “	“	Robert Carrington	J. Trigg, R. Pryor and J. W. Paup	13th May, 1846	392
“ “	“	Robert Carrington	J. Trigg, R. Pryor and J. W. Paup	13th May, 1847	392
“ “	31st May, 1842,	Robert Hamilton	R. Pryor and J. W. Paup	31st May, 1843	784
“ “	“	Robert Hamilton	R. Pryor and J. W. Paup	31st May, 1844	784
“ “	“	Robert Hamilton	R. Pryor and J. W. Paup	31st May, 1845	784
“ “	“	Robert Hamilton	R. Pryor and J. W. Paup	31st May, 1846	784
“ “	“	Robert Hamilton	R. Pryor and J. W. Paup	31st May, 1847	784
“ “	24th September, 1842,	John W. Paup	R. Hamilton and R. Carrington	24th September, 1843	637
“ “	“	John W. Paup	R. Hamilton and R. Carrington	24th September, 1844	637
“ “	“	John W. Paup	R. Hamilton and R. Carrington	24th September, 1845	637
“ “	“	John W. Paup	R. Hamilton and R. Carrington	24th September, 1846	637
“ “	“	John W. Paup	R. Hamilton and R. Carrington	24th September, 1847	637
☞To which add a list of the Notes in the hands of the State Treasurer:					
	5th November, 1836,	R. C. Byrd	Thomas Thorn	5th November, 1837	1,368 08
	“	R. C. Byrd	Thomas Thorn	5th November, 1837	45 38
	18th November, 1836,	Thomas Thorn	James De Baun	18th November, 1837	189 27
				Total, - - -	$29,269 53

AUDITOR'S OFFICE,
Little Rock, Ark., 1st Oct., 1842.

ELIAS N. CONWAY, *Auditor of Public Accounts of the State of Arkansas.*

[F.]

A STATEMENT

Of the STATE DEBT, and the means which might be applied to extinguish it, without imposing an additional tax.

	Dol's. Cts.	Surplus revenue exhibited in table B, if used in preference to imposing an additional tax.
Under act approved 18th December, 1837,		
On the 19th day of December, 1837, borrowed of the Bank of the State of Arkansas, at 6 per cent. interest per annum,	50,000 00	
Interest thereon, four years nine months and eleven days, including 30th September, 1842,	14,340 41	$339,724 98
Under act approved 3d March, 1838.		
On the 20th December, 1838, borrowed of the Bank of the State of Arkansas,	50,000 00	
Interest thereon at 6 per cent. per annum, three years nine months and ten days,	11,332 19	
Under act approved 28th December, 1840.		
Borrowed of the Bank of the State of Arkansas, on the 12th January, 1841,	20,000 00	
" " " " " " 22d June, 1841,	10,000 00	
" " " " " " 13th July, 1841,	5,000 00	
Interest thereon at 6 per cent. per annum, up to and including 30th September, 1842,	3,193 33	
Borrowed of the Branch of the Bank of the State of Arkansas at Fayetteville, 9th April, 1841,	10,00000	
Interest at 6 per cent. per annum thereon, up to and including 30th September, 1842,	886 66	
Borrowed of the Real Estate Bank of the State of Arkansas, at 5 per cent. interest per annum—		
On the 13th day of January, 1841,	20,000 00	
On the 13th day of March, 1841,	5,000 00	
On the 15th day of June, 1841,	5,000 00	
On the 30th day of June, 1841,	5,000 00	
On the 13th day of August, 1841,	3,000 00	
The interest on the amounts borrowed of the Real Estate Bank, has been paid, up to and including the 30th Sept., 1842.		
Total amount of indebtedness of the State to Banks,	212,752 59	
Add scrip in circulation, exclusive of interest thereon,	619 89	
Debt of the State, on the 30th September, 1842, without deducting cash in the Treasury,	213,372 48	
Deduct cash in the Treasury,	3,946 45	
Debt of the State on the 30th September, 1842, after deducting cash in the Treasury,	209,426 03	
To which add estimated amount of all other dues from the State, on account of Penitentiary, State-house, contingent expenses of the Supreme Court, printing 3d volume Reports of Supreme Court, taking the census of the State, salaries of officers up to 30th September, 1842, &c., unpaid,	22,627 52	
	232,053 55	
Add estimated expenses of the approaching session of the Legislature,	35,000 00	
	$267,053 55	$267,053 55
Balance of surplus revenue which would remain unexpended in Bank,		$72,671 43

AUDITOR'S OFFICE,
Little Rock, Arkansas, 1st *Oct.*, 1842.

ELIAS N. CONWAY, *Auditor of Public Accounts*
of the State of Arkansas.

ESTIMATES.

The following are estimates of the receipts and ordinary expenditures for two years, ending with the 30th September, 1844, exclusive of arrearages due from the State, and of the expenses of the approaching session of the Legislature estimated in table F.

PROBABLE RECEIPTS.		
To be paid into the Treasury first year,		$36,000 00
To be paid into the Treasury second year,		41,000 00
		$77,000 00
EXPENDITURES.		
Salaries of the Governor, three Supreme, and seven Circuit Judges, seven Prosecuting Attorneys, Secretary of State, Auditor, Treasurer, Adjutant General, and Reporter of the Supreme Court, all for two years,	$43,600 00	
Printing and distributing Acts and Journals,	3,000 00	
All ordinary contingent expenses of the State, and State officers, including contingent expenses of the Supreme Court, and printing the Reports of said Court,	12,800 00	59,400 00
Would leave in the Treasury, on the 1st of October, 1844, the sum of as a part of the means to meet the expenses of the Legislature, in November, 1844.		$17,600 00

ELIAS N. CONWAY, *Auditor of Public Accounts*
of the State of Arkansas.

AUDITOR'S OFFICE,
Little Rock, Ark's, 1st Oct., 1842.

A STATEMENT,

***SHOWING** the amount of county tax remaining in the State Treasury, on the first day of October, 1842, and due to the following named counties, on account of forfeited lands disposed of by the Auditor, as exhibited in the aggregate, in tabular statement marked B.*

	NAMES OF COUNTIES.	Amount due each county,
1	Arkansas,	$131 07
2	Benton,	7 80
3	Conway,	175 44
4	Chicot,	662 74
5	Crittenden,	214 53
6	Desha,	10 80
7	Hot Spring,	31 82
8	Independence,	36 55
9	Izard,	20 76
10	Jackson,	8 77
11	Lawrence,	24 56
12	Mississippi,	160 47
13	Monroe,	154 08
14	Phillips,	80
15	Poinsett,	137 75
16	Pulaski,	227 74
17	Randolph,	62 57
18	St. Francis,	660 70
19	White,	65 74
	Total, as in table B.	$2,794 60

ELIAS N. CONWAY, *Auditor of Public Accounts of the State of Arkansas.*

AUDITOR'S OFFICE,
Little Rock, Ark., *1st Oct.*, 1842.

TREASURER'S REPORT.

Treasurer's Office,
Little Rock, Ark's, 1*st October,* 1842.

To **His Excellency A. Yell,**
Governor of the State of Arkansas:

Sir—In accordance to law, I have the honor herewith to submit, for your information, and that of the General Assembly, tables and statements, marked A., B., and C., exhibiting, in a concise manner, the amounts and various descriptions of receipts into the treasury, from all sources, and the manner in which they have been expended or disposed of, from the 1st day of October, 1840, to the 30th day of September, 1842—both days inclusive.

I am, very respectfully,
your obedient servant,
JOHN HUTT, *Treasurer*
of the State of Arkansas.

[A.]

EXPENDITURES.

A ***TABULAR STATEMENT****, exhibiting the amounts of appropriations made at the session of the General Assembly, in November and December*, 1840, *with the addition thereto of amounts expended under similar heads, from the* 30*th September to the* 28*th December*, 1840, *which amounts, so added, were expended out of balances of former appropriations remaining unexpended on the* 30*th September*, 1840; *and the parts of such balances which were not expended before the* 28*th December*, 1840, *are included in the amounts appropriated for similar objects, by act of* 28*th December*, 1840. *Also, exhibiting the balances of all other appropriations reported as unexpended,* 30*th September*, 1840, *the amounts of warrants drawn, under their appropriate heads, from the* 1*st day of October*, 1840, *to the* 30*th day of September*, 1842, *both days inclusive, and the balance of each appropriation unexpended, at the expiration of the last mentioned day.*

FOR WHAT PURPOSES APPROPRIATED.	AMOUNTS OF APPROPRIATIONS.	AMOUNTS EXPENDED.	BALANCES UNEXPENDED.	
1. To pay for labor done and under contract to complete the Penitentiary, with addition of $314 75 expended from 30th September to 28th December, 1840,	$40,814 75	$40 636 02	$178 73	1
2. To pay for the completion of the State House in the City of Little Rock,	37,000 00	33,733 62	3,266 38	2
3. To pay members and officers of the General Assembly, by acts of 3d and 28th December, 1840, absorbing unexpended balances of former appropriations,	27,000 00	25,245 00	1,755 00	3
4. To pay contingent expenses of the Senate and House of Representatives, $2,000, appropriated by act of 28th Dec., 1840, aggregate of balances unexpended 30th Sept., 1840, being	2,936 93	846 35	2,090 58	4
5. To pay for printing the Acts and Journals, by acts of 22d and 28th December, 1840, absorbing unexpended balances of former appropriations,	5,000 00	2,262 18	2,737 82	5
6. To pay the salary of the Governor, by act of the 28th Dec., 1840, with addition of $191 78, expended from 30th Sept. to 28th Dec., 1840,	5,191 78	4,000 00	1,191 78	6
7. To pay salaries of Judges of the Supreme Court, by act of 28th Dec., 1840, with addition of $900 expended from 30th Sept. to the 28th Dec., 1840,	11,700 00	11,150 00	550 00	7
8. To pay salaries of Judges of the Circuit Court, by act of 28th Dec., 1840, with addition of $1,930 94 expended from 30th Sept. to 28th Dec., 1840,	18,730 94	16,075 83	2,655 11	8
9. To pay salaries of Prosecuting Attorneys, by act of 28th Dec., 1840, with addition of $155.27 expended from 30th Sept. to the 28th Dec., 1840,	4,355 27	4,355 27		9
10. To pay Prosecuting Attorneys pro tem.,	2,000 00	40 00	1,960 00	10
11. To pay contingent expenses of the Executive Department, &c., by act of 28th Dec., 1840, with addition of $466 25 expended from 30th Sept. to 28th Dec., 1840,	5,966 25	5,435 00	531 25	11
12. To pay salaries of Secretary of State, Auditor, and Treasurer, by act of 28th Dec., 1840, with addition of $99 72 expended from 30th Sept. to 28th Dec., 1840,	5,299 72	5,299 72		12
13. To pay Registers of Land-offices and Auditor for lists of lands, by act of 28th Dec., 1840, with addition of $55 03 expended from 30th Sept. to 28th Dec., 1840,	2,055 03	918 06	1,136 97	13
14. To pay for printing, binding, and distributing the second volume of the Reports of the Supreme Court,	2,255 00	2,254 40	60	14
15. To pay salary of the Reporter of the Supreme Court, by act of 28th Dec., 1840,	500 00	412 50	87 50	15
16. To pay salary of Adjutant General, by act of 28th Dec., 1840, with addition of $23 73 expended from 30th Sept. to 28th Dec., 1840,	523 73	155 67	368 06	16
17. To pay for advertising lands forfeited for taxes, by act of 28th Dec., 1840, absorbing unexpended balances of former appropriation,	1,000 00	258 50	741 50	17
18. To pay clerk hire in the Auditor's office, by act of 28th Dec., 1840, with addition of $304 15 expended from 30th Sept. to 28th Dec., 1840,	1,704 15	1,215 34	488 81	18
19. To pay clerk hire in the Secretary's office,	300 00	248 50	51 50	19
20. To pay for Job Printing of the General Assembly of 1840, absorbing unexpended balance of former appropriation,	1,400 00	1,177 09	222 91	20
21. To pay Special Judges of the Supreme Court, $1000 appropriated by act of 28th Dec., 1840, aggregate of balance unexpended 30th Sept., 1840, being	1,200 00		1,200 00	21
22. To pay Special Judges of the Circuit Court, by act of 28th Dec., 1840,	500 00	500 00		22
23. To pay Special appropriations, as per acts of 21st November, and 3d, 4th, 5th, 22d, 25th, and 28th Dec., 1840, not contained under other heads,	4402 86	4,202 86	200 00	23
24. To pay for furniture for the State House, balance of appropriation unexpended 30th Sept., 1840,	1,500 00	1,498 56	1 44	24
25. To pay Electors of President and Vice President of the U. S., by act of 26th Dec., 1840, with balance unexpended 30th Sept., 1840,	156 39	140 00	16 39	25
26. To balance of appropriation, by act of 3d November, 1835, to pay Executive postage, and to pay for bringing election returns, unexpended 30th Sept., 1840,	506 25	65 70	440 55	26
27. To pay for distributing the Acts and Journals, by act of 22d December, 1840,	500 00	474 00	26 00	27
28. To pay salary of Commissioner of Public Buildings,	2,000 00	1,758 21	241 79	28
29. To pay officers and contingent expenses of the Penitentiary, by act of 17th Dec., 1838, enforced by act approved 19th Dec., 1840,	5,000 00	2,284 75	2,715 25	29
30. To pay for recording and arranging in township order abstracts of taxable lands, the balance unexpended 30th Sept., 1840, being	979 29		979 29	30
31. To pay warrants drawn under act approved 26th December, 1840, to authorize the State Treasurer to refund money paid into State Treasury through error,	165 05	165 05		31
32. To pay Enrolling Clerk of the Special Session in 1837 and 1838, unexpended 30th Sept., 1840,	1,103 25		1,103 25	32
33. To pay expenses of calling out militia, under act of 3d March, 1838, unexpended 30th Sept., 1840,	12,000 00		12,000 00	33
34. To pay Sheriffs' fees, and other contingent expenses of calling out militia, under the act of 3d March, 1838, unexpended 30th Sept., 1840,	2,000 00		2,000 00	34
35. To amount appropriated by act of 3d March, 1838, to carry into effect 11th section of said act, to sustain the sovereignty of the State, unexpended 30th Sept., 1840,	50,000 00		50,000 00	35
36. To amount appropriated by act of 8th November, 1836, to enable the Governor to obtain a loan of $40,000 unexpended 30th Sept., 1840,	1,000 00		1,000 00	36
37. To balance of special appropriations made at the Special Session of the General Assembly, unexpended 30th Sept., 1840,	76 30		76 30	37
38. To pay Commissioners for selecting Salt Springs, balance unexpended 30th Sept., 1840,	152 00		152 00	38
Total,	$258,974 94	$166,808 18	$92,166 76	

JOHN HUTT, *Treasurer*
of the State of Arkansas.

TREASURER'S OFFICE,
Little Rock, Ark's, 1*st October*, 1842.

[B.]

RECEIPTS, &c.

A TABULAR STATEMENT, showing the receipts into the State Treasury, from all sources, from the 1st *day of October*, 1840, *to the* 30th *day of September*, 1842, *both days inclusive ; the balance of each fund in the Treasury on the* 1st *day of October*, 1840 ; *the dividend declared by the General Board of the Bank of the State of Arkansas, on the* 14th *day of November*, 1840, *on State funds deposited in said Bank ; the expenditures of the State from the* 1st *day of October*, 1840, *to the* 30th *day of September*, 1842, *both days inclusive ; and the balance of each fund in the Treasury on the* 1st *day of October*, 1842.

								Revenue, &c.		Funds deposited in State Bank as part of the Capital.					
Time paid in.	Paid by the Secretary of State, on account of Revised Statutes sold by him.	Bonus, and Interest on Bonus, paid by Real Estate Bank.	State Tax paid for Lands.	Cash paid by Collectors.	Borrowed of State Bank, under act approved 28th December, 1840.	Borrowed of the Br. of the State Bank at Fayetteville, under act approved 28th December, 1840.	Borrowed of the Real Estate Bank, under act approved 28th Dec. 1840.	Gross amount of State funds.	County Tax paid for Lands.	Common School fund, under Sec. 135, revenue law.	Saline Fund.	Seminary Fund.	Surplus Revenue of U. States.	Five per cent. Fund.	Total.
	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.
4th Quarter of 1840,			194 36	19,210 34				19,404 70	150 88			15 20		6,388 80	
1st Quarter of 1841,		5,000	972 25	1,834 26	20,000		25,000	52,806 51	644 55						
2d Quarter of 1841,			537 98	6,323 66	10,000	10,000	10,000	36,861 64	390 18			228 60			
3d Quarter of 1841,	4 00		144 06	1,962 48	5,000		3,000	10,110 54	169 70						
4th Quarter of 1841,	8 00		803 11	26,292 20				27,103 31	830 19					6,311 68	
1st Quarter of 1842,	8 00		997 12	475 06				1,480 18	984 72	223 00		243 60			
2d Quarter of 1842,			481 84	310 00				791 84	301 31						
3d Quarter of 1842,		5,208 33	342 86	697 50				6,248 69	343 73			337 36			
Total receipts into Treasury,	20 00	10,208 33	4,473 58	57,105 50	35,000	10,000	38,000	154,807 41	3,815 26	223 00		824 76		12,700 48	
Balance in the Treasury on the 1st day of October, 1840,								18,961 69	3,111 62	1,045 64	135 15	1,215 92	303,325 88	50,068 50	
Dividend declared by the General Board of the Bank of the State of Arkansas, on the 14th November, 1840, on State Funds,										125 48	16 22	147 73	36,399 10	6,008 22	
Total,								173,769 10	6,926 88	1,394 12	151 37	2,188 41	339,724 98	68,777 20	

EXPENDITURES.

When expended.	Amount of Warrants issued.	Interest paid Real Estate Bank.	State tax refunded to individuals without warrants.	Scrip redeemed by State Treasurer.	Interest paid on Scrip redeemed.	Total amount of State Funds expended.	County Tax paid out upon drafts of county treasurers.	County Tax refunded without warrants.	Total amount of County tax paid out.	Gross amount of State funds.	County Tax paid for Lands.	Common School fund, under Sec. 135, revenue law.	Saline Fund.	Seminary Fund.	Surplus Revenue of U. States.	Five per cent. Fund.	Total.
	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.								
4th Quarter of 1840,	36,427 56		13 10			36,440 66	406 03	6 55	412 58								
1st Quarter of 1841,	55,830 09		52 54			55,882 63	653 83	25 03	678 86								
2d Quarter of 1841,	32,471 32			2 00	91	32,474 23	855 66		855 66								
3d Quarter of 1841,	7,308 56					7,308 56	157 68		157 68								
4th Quarter of 1841,	11,589 62	552 77		30 00	6 90	12,179 29	483 25		483 25								
1st Quarter of 1842,	8,216 06					8,216 06	4 25		4 25								
2d Quarter of 1842,	6,387 63					6,387 63	1,216 72		1,216 72								
3d Quarter of 1842,	8,577 34	2,356 25				10,933 59	323 19		323 19		4,132 19						
Total expenditures of the State,						$169,822 65				169,822 65							
Balance of each fund in the State Treasury on the 1st day of October, 1842,										$3,946 45	$2,794 69	$1,394 12	$151 37	$2,188 41	$339,724 98	$68,777 20	$418,977 22

Treasurer's Office,
Little Rock, Arkansas, 1*st October*, 1842.

JOHN HUTT, *Treasurer*
of the State of Arkansas

[C.]

IN addition to the within Reports, I have to state, that there are also in the hands of the Treasurer, the following individual notes, due on account of the Seminary Fund, bearing an interest at the rate of ten per cent. per annum.

DATE OF NOTE.	**NAMES OF PURCHASERS AND SECURITIES.**	**SEMINARY FUND.**	
		D.	C.
1836, November 5th.	Richard C. Byrd, and Thomas Thorn,	1,368	08
" " "	Richard C. Byrd, and Thomas Thorn,	45	38
" " 18th.	Thomas Thorn, and James De Baun,	189	27
		1,602	73

TREASURER'S OFFICE,
Little Rock, Ark's, October 1st, 1842.

JOHN HUTT, *Treasurer*
of the State of Arkansas.

MESSAGE OF THE GOVERNOR,

IN RELATION TO THE HYPOTHECATION OF THE FIVE HUNDRED STATE BONDS BY THE REAL ESTATE BANK.

Gentlemen of the Senate,
and House of Representatives:

In compliance with the notice I gave in my message, at the commencement of the session of the Legislature, I herewith lay before you my correspondence with the North American Trust and Banking Company, and Mr. James Holford, of New-York, on the subject of the liability of this State for the payment of five hundred State bonds, of one thousand dollars each, making a sum of five hundred thousand dollars, marked A., B., C., and D., which had been hypothecated by the Real Estate Bank, to the Trust Company, and their subsequent sale to Mr. James Holford, of London, who is the holder of said bonds. The Real Estate Bank has failed and refused to pay the interest, when due, and the holders have given notice that they will look to the State for indemnity.

By reference to the correspondence, you will more fully understand the ground assumed by the Executive, in refusing to recognize the validity of the sale or hypothecation.

However much we may value the applause and good opinions of other nations, we have a perfect reliance on our own wisdom and virtue—wise enough to make our own laws, and honest enough to see they are administered in good faith; and independence enough to spurn with scorn any who attempt to defraud and swindle her citizens. There is a moral as well as legal rule provided in the interpretation of bank charters. Your own experience, and a proper regard for the high trust reposed in you as the representatives of a free people, will insure a judicious decision on your part. You must be sensible of the anxiety felt in every portion of the country, as well as by the bondholders in Europe, that this subject be promptly, clearly, and definitely settled, that those directly interested may not be longer in suspense.

A. YELL.

Executive Department,
Little Rock, Nov., 1842.

A.

New-York, 2*d. Oct.*, 1841.

To His Excellency Governor Yell,
Little Rock, Arkansas:

Sir—A few days ago, I arrived here from England, and was very much surprised to have laid before me the advertisements which I now enclose, taken from the public prints of this city, with regard to the five hundred bonds of your State, issued to the Real Estate Bank of Arkansas, and by them placed with the North American Trust & Banking Company, who obtained from my house, in London, an advance upon the same, of three hundred and twenty-five thousand dollars.

I will not now enter upon the merits or demerits of proceedings of this sort, and shall only appeal to your Excellency, for your opinion of the proper light in which this question is to be received. I think it, however, not only due to the interests of the State, but also to myself, to lay before you the relative positions in which the credit of the State stood, previous to the publication, judging from the price of the State bonds, which was about 60 per cent., and which, immediately after, was reduced to the nominal value of about forty-five per cent., without any purchasers; thus, I may almost say, annihilating the credit of the State.

I shall feel much obliged by an early reply from your Excellency, to enable me to judge what steps I ought to take, not only to enforce payment of the dividends due in July last, still unpaid, but also to recover the money advanced upon those bonds, the greater part of which, it is evident, has been already made over to the Real Estate Bank. I cannot think that your Excellency, in your wise consideration for the interests of your State, will allow this publication to pass over, without satisfying the public, that so far from sanctioning, you totally disapprove of the course adopted by the Bank Commissioners.

I shall look forward to your Excellency's reply, with much anxiety, and remain respectfully,

Your most obedient servant,
JAMES HOLFORD.

B.

Executive Department,
Little Rock, Arkansas, 10*th Nov.*, 1841.

To Messrs. Talmage, Holford & Co.

Gentlemen—Your letters of the 8th and 11th of Sept., and 2d Oct. last, were received a few weeks since, and I have delayed replying, till after the meeting of the Stockholders and Central Board of the Real Estate Bank, with the expectation that the Commissioners of the Bank, Messrs. Harris and others, would make a full and satisfactory expose of the sale, or hypothecation, of the half million of State bonds, the subject of your communications.

From the enclosed resolutions, marked A. and B., you will be fully apprised of the grounds they have assumed, in resisting the payment of the bonds, or the interest thereon. So long as the controversy confines itself to the parties to the original contract, and Messrs. Holford & Co., the Executive would not feel himself called upon to express an opinion as to the stability of the Real Estate Bank. But since I have been addressed by you, I have endeavored to ascertain the true condition of the bonds, and the obligation of the State, either legally or morally, to indemnify the holders; and as I am disposed to act frankly upon this, as upon all other subjects affecting the interest of the State, I fear my answer, so far as the Executive is concerned, will not be very satisfactory.

To arrive at a proper and satisfactory understanding, in relation to our liability, we have only to look into the authority vested in the Real Estate Bank, by the State of Arkansas, and to learn what are the conditions and restrictions imposed by the charter. If the Commissioners have not exceeded the authority granted the Real Estate Bank by the charter, then the State is responsible, not otherwise.

It must be borne in mind, that the State of Arkansas is not a stockholder, nor interested in the profits of the institution—she saw proper, through her Legislature, to incorporate this company, called "The Real Estate Bank," and to aid her citizens, she loaned to the corporation her credit, in the shape of bonds, to enable the Bank to raise money, for the purpose of banking. She issued her bonds, in this instance, to the amount of five hundred thousand dollars, and authorized the Bank to make *sale* of them, upon certain express conditions and stipulations, which will in part be found in the 9th section of the charter, forbidding the sale, except they are literally sold (not mortgaged or hypothecated,) at par value, thereby securing to the Bank the means of payment, operating as an indemnity to the State, by furnishing the Bank the full amount of moneys to redeem the bonds.

I then assume, without the fear of contradiction, that any other disposition made of the bonds, than such as was authorized in the charter, would be a nullity, so far as the State is concerned, without a subsequent confirmation of the same, through the Legislature.

To admit any other than a strict construction of the authority granted by the charter, it might involve the State in the payment of any illegal contract that the rapacity of the Banks and the connivance of stockjobbers might think proper to inflict.

The next question is, have they been disposed of as required by the charter? If so, common honesty, and a proper regard for the honor of the State, require us to meet the interest as it becomes due, and to prepare for the payment of the principal at maturity.

What are the facts in relation to the hypothecation? It is admitted by the North American Trust and Banking Company, in its argument with the Real Estate Bank, and dated 7th Sept., 1840, that the bonds were placed in her hands as collateral security only, to secure the payment of the sum of two hundred and fifty thousand dollars, to be advanced to the Real Estate Bank; and that she advanced on said bonds, at the date of the contract, the sum of about one hundred and twenty thousand dollars only, with other conditions, not necessary to notice.

The company also make the same statement in their deed of trust, in favor of Holford & Co., dated the 31st of August, 1841. They further state, that they had no authority to assign the bonds, except upon the failure of the Real Estate Bank to repay, as stipulated at the date of the hypothecation, which is further evidence that they did not consider the bonds as sold, the only mode of negotiating them which could create any liability on the part of the State of Arkansas.

Under the contract with the North American Trust and Banking Company, we are clearly, by their own showing, neither legally nor equitably bound.

Do Messrs. Holford & Co. stand in any better condition than the North American Trust and Banking Company? Not at all. The face of the contract with the Trust Company will *show*, and the provisions of the charter, both of which it is presumed Messrs. Holford & Co. have seen, place the assignees, in point of law and equity, in the same *condition* [position] occupied by the Trust Company. I then insist, that under the provisions and restrictions of the 9th section of the charter, neither the Bank nor her agents could make any valid disposition of those bonds, by sale or hypothecation, at less than par value; and the Trust Company admits that she only paid about the sum of one hundred and twenty thousand dollars. The Bank having no authority to make any disposition of the bonds, not in strict accordance with the charter, she could not delegate the power to the Commissioners, so as to create any liability on the part of the State.

You will find the people of Arkansas as sensitive in their regard for honesty and punctuality, as those of any State in the Union; and they will in good faith keep all their public engagements, (however burthensome those corporations may prove), when the sale of the bonds has been made *bona fide*, for valuable consideration, and in accordance with the charter. But it would be absurd to suppose, and you mistake the character of our people, if you flatter yourself that they will calmly submit to be taxed to pay the bonds hypothecated to stockjobbers, to enable the Bank to carry on her speculations, without the authority of law, and in express violation of her charter.

I shall, however, for your satisfaction, and that you may understand what the legislative branch of the government will do, lay the whole subject fully and fairly before them, for their legislative action thereon. If I am not mistaken in the position assumed, I think I know the people of Arkansas too well, to flatter you with much hope from that quarter.

I am, with respect, your ob't serv't,

A. YELL.

C.

New-York, Dec. 17th, 1841.

To his Excellency A. Yell,
Governor of the State of Arkansas:

Sir—I have duly received your Excellency's favor of the 11th ultimo, and I infer, from its contents, that you are laboring under a misapprehension, as to the material facts of the unfortunate transaction which forms the subject of our correspondence. I shall take the liberty of laying before you a full statement of the case, in the firm belief that it will produce a change in your views; and I feel assured that the importance of the subject to myself, and, I may add, its bearing on the credit of the State of Arkansas, will be a sufficient excuse for the trouble which I am giving you.

The address of your Excellency's letter to "Messrs. Holford & Talmage," (a firm which does not and never did exist), would seem to indicate an impression on your part, that there was some connection or community of interest between myself and the North American Trust and Banking Company, or Mr. Talmage, its late President. If any such impression exists on the mind of your Excellency, I beg leave to correct it. My business is that of a private banker, and is conducted in London, under the firm of Holford & Co., and until recently, was carried on in New-York, under the firm of Holford, Brancker & Co. I never owned or was interested in a single share of the stock of the North American Trust and Banking Company, and never had any interest or connection with them, except in the ordinary course of my business, as a banker. Your Excellency's somewhat severe allusions to stock-jobbers, would seem to indicate that you supposed that dealing in stocks formed a part of the business in which I was engaged. Without meaning to admit that this kind of business, if properly conducted, is not as honorable as any other pursuit, I can assure your Excellency that I have never been a dealer in stocks, to any extent whatever and have never bought or sold, or been the owner of, a single share of any American stock. My business with this country has been confined to the single business of private banking, in the course of which I have frequently advanced money on the hypothecation of stocks, which have been returned on the repayment of the loan, without my participating in any profit or loss resulting from their rise or fall in the market.

In the remarks which I am about to submit to your Excellency, I do not propose to enter into the merits of the question between the North American Trust and Banking Company and the Real Estate Bank of Arkansas; nor do I feel myself called upon to express an opinion as to the conduct of the North American Trust Company. My rights are not in any manner, or to any extent, identified with that Company, or the propriety of their course.

With these explanations, I proceed to state to your Excellency, that in the fall of the last year, 1840, being then myself in the city of

New-York, the North American Trust and Banking Company applied to my London house, through me, for a loan on five hundred bonds of the State of Arkansas, for one thousand dollars each. The whole manner in which the negotiation was conducted on the part of the Company, indicated that they were the absolute owners of the bonds, that they had the full right to dispose of them, and were asking the loan on their own account. After some negotiation, it resulted in my advancing to them the sum of about three hundred and twenty-five thousand dollars, on the faith of these bonds, and on receiving from them the bonds, as collateral security for the amount advanced. This loan was made by me, on the faith of these bonds, and on the credit of the State of Arkansas, which they purported unequivocally to pledge—and not on the credit of the North American Trust and Banking Company, whose standing was not such at that period as would induce a man of any prudence to make them a large loan without security. I most solemnly assure your Excellency, and it is a matter capable of the most perfect legal evidence, that from the beginning to the end of the negotiation, and indeed until months after the money had been advanced, I was not informed, and did not know, and had no reason to suspect or believe, nor did I suspect or believe, that the bonds thus hypothecated to me were not the absolute and bona fide property of the North American Trust and Banking Company. Nor was there any thing in the whole transaction, which was calculated to excite in the most doubting mind any such suspicion or belief. The officers of the Company were men who stood fairly and respectably in the community; they were the holders and the possessors of the bonds in question—the bonds themselves were payable to order, and were duly and on the face of them absolutely endorsed to the Company. They claimed the right to dispose of them, and, in the absence of any contrary proof, or even ground of suspicion, and according to the universal sense of commercial communities, they were, so far as third parties, and the rights of third parties purchasing or advancing money on the faith of them, were concerned, to be deemed the lawful owners. In addition to this, it was well known in the community, and had repeatedly come to my knowledge, that this same Company had, for a year or two previously, been large owners of the bonds of the State of Arkansas—(I have since learned, to the amount of two millions of dollars). These bonds they had been in the habit of disposing of in the market, by sales, hypothecation, or otherwise; the interest on these bonds had always been promptly paid, and no question had ever been raised, and I understand that no question exists, with regard to their validity. The North American Trust and Banking Company were the agents in this city who paid the interest on these bonds, and in this manner became the reputed agents of the Real Estate Bank of Arkansas, and indirectly of the State itself; and when the five hundred bonds I have above spoken of, were offered to me for hypothecation, had any doubts arisen in my mind, as to the right of the Company to dispose of them, their previous ownership and disposition of a large amount of bonds of the same description, and the confidence reposed in them by the Real Estate Bank, in constituting them their agents, would naturally have tended to allay any such suspicion.

Your Excellency assumes, in your letter addressed to me, that I had seen the contract between the Real Estate Bank of Arkansas and the North American Trust and Banking Company, before making the loan in question. I have already negatived any such knowledge on my part, but I consider it so material a part of the equity of my case, that I again repeat, that I never saw, or knew, or suspected of the existence of such a contract, until months after the loan had been made—and further, that at the time the loan was made, I had every right to believe, and did believe, and any person under the same circumstances would have believed, that the North American Trust and Banking Company had bought and paid for the bonds, and that they were their absolute property—and I had no reason whatever to suspect, and did not suspect until months afterwards, that such was not the case. For the truth of this position, I believe I may appeal with confidence to Messrs. Harris and Biscoe, who were in New-York on this very business, during the greater part of the last summer. I was not here myself at the time, but I am informed that they had the fullest opportunities of ascertaining the truth, and they expressed themselves satisfied with my entire good faith in the transaction. Should, however, any doubts be suggested on this point, I hold myself ready to furnish the most satisfactory evidence.

Under these circumstances, I appeal to your Excellency, not as to what are my legal rights, but what are my just and equitable claims upon the bonds in question. I am advised, that if my case should be submitted to a court of law, the result must be in my favor, on well established principles; and I am informed that a similar question has arisen in the courts of the State of New-York, between the State of Illinois and Mr. John Delafield. The Commissioners of that State had sold to Mr. Delafield a large amount of bonds, contrary to the provisions of the act which authorized their issue. Mr. Delafield sold a portion of these bonds, and hypothecated others of them. The State of Illinois filed a bill to set aside the sale to Mr. Delafield, and to get back the bonds. The court decided that the sale was an invalid one, and that Mr. Delafield should surrender the bonds which he still retained; but that third parties, who had purchased the bonds, or who had loaned money on them, without notice of the manner in which he became possessed of them, had a valid title to them. And this decision was, as I am informed, affirmatively recognized and acquiesced in by the Legislature of the State of Illinois. But, as I before stated, I do not appeal to your Excellency as to what are merely my legal or technical rights, but what are my rights in honor and good conscience. The State of Arkansas issues their bonds, on the face of each of which it "acknowledges to be indebted to the Real Estate Bank of Arkansas, in the sum of one thousand dollars, which sum the said State of Arkansas promises to pay in current money of the United States, to the order of the President, Directors, and Company of the said Bank," &c. These bonds are presented to me, and I find on the face of each of them, that, "in testimony" of this acknowledgment of indebtedness, the Governor and Treasurer of the State have signed their names thereto, and the whole has been finally and conclusively verified by the broad seal of the State. I am no lawyer. I had never seen, or thought it necessary to see, the charter of the Real Estate Bank of Arkansas, or the law authorizing the loan in question. I supposed that the broad and unqualified admission of indebtedness, contained in the bond itself, was sufficient for my purpose, and that it meant what the words purported to convey. It would fetter all trade and commerce in the United States, if every individual was chargeable with a knowledge of the statute law of the twenty-six States of the Union, and the various and conflicting amendments of that law, which are made from year to year. But, concede that I ought to have looked at the charter of the Real Estate Bank, and that I am chargeable with notice of the terms on which these bonds were issued, had I not every reason to suppose that those terms had been complied with? The bonds were issued to the Real Estate Bank of Arkansas; they are payable to their order, and, by the provisions of the law authorizing their issue, are made negotiable by endorsement. The Bank, of course, must have known the terms on which they were issued. On looking at the back of the bonds, I find that they are duly endorsed by the Real Estate Bank, "for value received," as expressed in the endorsement; and that the bonds themselves are in the hands of parties who had already disposed of two millions of these very bonds, without question or comment. Was I bound, or, had I been disposed, could I have gone further to have satisfied myself that the terms of the law under which they were issued had been complied with? If the State of Arkansas puts forth its unqualified promises to pay, and entrusts them to its own creature, the Real Estate Bank, limiting them not to dispose of them under par, and if the Bank sends them into the world under their endorsement, "for value received," and an innocent third person, ignorant and unsuspicious of any irregularity in their issue, advances his money on their security, I appeal to your Excellency, and through you to the Legislature of your State, who are bye-and-bye to be called on to act as judges in their own case, as a matter, I will not say of technical law merely, but of equity and good conscience, on whom should any loss fall, which may result from the transaction? Surely, on the parties who have unguardedly put these promises to pay into circulation, with every indication that they were regularly issued, rather than upon the party who has been misled by these appearances, and on the strength of them has parted with his money.

I rest my claim to the consideration of your Excellency, and through you, of the people of your State, with entire confidence on the grounds I have above stated. Before, however, closing my communication, I will submit to your Excellency a history of the whole of the transaction, so far as the Real Estate Bank and the North American Trust and Banking Company are concerned, as derived from documentary evidence, which, however, only came to my knowledge long after I had made the loan in question. The statement will, I think, serve to convince your Excellency, that even when all the facts in the case are taken into view, the Real Estate Bank has no right or reason to complain of the stand which I have taken, in claiming a lien on these bonds, for the whole amount I have advanced.

On the 20th of July, 1840, the Central Board of the Real Estate Bank of Arkansas passed an ordinance, a copy of which I herewith enclose, by which it was, among other things, resolved, that "C. A. Harris, Cashier and Secretary of this Board, be, and he hereby is, appointed agent of this institution, with full power and authority to make arrangements, negotiations, and contracts, for and on account of the same, to *hypothecate, pledge, and make conditional and positive sale of the State bonds belonging thereto,* and to use and pledge the name, credit, and assets of the Bank, in any way or manner which he may think proper and necessary for the credit and welfare of the institution," &c. "And if necessary, said agent is hereby directed to proceed to the Eastward, as soon as practicable, for the purpose of effecting the object above referred to: *Provided,* That at least one of the Bond Commissioners shall assent to and confirm any contract, negotiation, or agreement, which may be made under the authority of this ardinance." In pursuance of this ordinance, Mr. Harris came to this city, and on the seventh day of October, A. D. 1840, entered into a contract with the North American Trust and Banking Company, a copy of which I also enclose. That contract speaks for itself; and to my mind it clearly indicates, that the bonds were put into the hands of the North American Trust and Banking Company, to *borrow money on,* for the use of the Real Estate Bank of Arkansas. The very first and foremost clause of the agreement provides, that the North American Trust and Banking Company *are to procure, on loan,* for the Real Estate Bank, a certain sum of money, which they are to pay over to the Real Estate Bank, in instalments, at certain specified times. In another part of the contract, allusion is made to a *hypothecation* of the bonds, by the North American Trust and Banking Company, in Europe; and again, to their negotiations in Europe, and in the United States, through the influence and exertions of the North American Trust and Banking Company. This contract, to my mind, clearly indicates, that the North American Trust and Banking Company were authorized *to procure a loan on these bonds, to hypothecate them, and to negotiate them in Europe or in the United States; and this contract, let it be observed, is assented to and confirmed by the Bond Commissioners of the State of Arkansas.* If my construction of this contract be correct, and I do not see how it can be otherwise, the North American Trust Company were justified under it, at least so far as the Real Estate Bank is concerned, in the hypothecation which they made to me. It is true, that they have only paid to the Real Estate Bank one hundred and twenty-five thousand dollars of the money which they have received from me, and are now insolvent, and cannot pay the residue. This is the misfortune of the Real Estate Bank, but it surely cannot affect the question of the validity of the hypothecation. That hypothecation was authorized by them, and whether their agent has or has not paid over the money received, cannot affect its validity. So far, therefore, as the Real Estate Bank is concerned, they have no right to controvert the hypothecation which has been made; and if this point is conceded, I submit to your Excellency, with great confidence, that the State of Arkansas should not interfere to disturb the rights of an innocent third party, acquired under such hypothecation. The bonds were issued by the State, for the benefit of the Bank. The State were to derive no benefit from their issue, and no part of the money to be derived from their sale was to come to the use of the State; and, indeed, the Bank were made the paymasters, in the first instance, of the principal and interest of the bonds. Had the Bank chosen to give away the bonds, the State would not have been the poorer by such an act. As between *the State and the Bank*, the law provided that the bonds should not be disposed of, except on certain terms—if the Bank has disposed of the bonds contrary to law, let the penalty of the law, whatever it may be, fall upon the Bank; the State has not been thereby injured; the Bank is still bound to them for the payment of the bonds. The securities belonging to the Bank are, by its charter, pledged for their payment; and it cannot be right that the State should visit on an innocent party a wrong done by the Bank, for its own profit, and which has not injured the State. Under this view, therefore of the subject, I submit to your Excellency, whether the State is called upon to interfere at all in this matter, and whether the controversy, if any exists, should not be left to be settled between the Real Estate Bank and myself. Such would be the equity of the case, even on the supposition that I possessed that knowledge of the contract between the Real Estate Bank and the North American Trust Company, which your Excellency has erroneously imputed to me, and which, if I mistake not, is the sole basis of the argument denying the obligation of the State to recognize the validity of their bonds.

As I have already shown, and am prepared to prove, that on making my large advances on these bonds, I acted in ignorance and good faith, and in the full belief that the North American Trust Company were the absolute owners, I cannot but entertain a confident hope, that your Excellency will be prompt to retract an opinion founded on a mistaken view of the facts, and will not hesitate to confess, that the character and honor of the State are inseparably connected with the acknowledgment of the justice of my claims.

I have now brought to a close my long communication. Its importance to me will, I am persuaded, be a sufficient excuse for its unusual length. Should this matter be brought before the Legislature of your State, I trust that this letter will be communicated to them. And I have only further to ask from them, to reflect, when they come to decide on this subject, that they are adjudicating, beyond appeal, on their own case, and upon the rights of a stranger, who is without friends, or even acquaintances, among them. And I feel assured that these considerations will induce all honorable minds to approach the subject with more than usual caution and candor. And should any doubts or difficulties remain on their minds, after a careful examination, I would respectfully suggest, without undertaking to indicate the mode, whether it is not entirely consistent with the dignity of a sovereign State, where any controversy arises, involving the rights of third parties, and calling in question the faith of the State, to submit that controversy to the decision of a disinterested tribunal.

Hoping to receive your reply on the receipt of this communication, and thanking your Excellency for the promptness with which you have answered my former letters,

I have the honor to be
your Excellency's most obedient servant,
JAMES HOLFORD.

[COPY.]

An ordinance in reference to an effort to effect a further sale of State Bonds, and to procure a loan for this Bank.

SEC. 1. *Be it ordained by the Central Board of the Real Estate Bank of the State of Arkansas*, That the assent of the Board be, and the same is hereby, given to the making of an arrangement with Messrs. Bayard & Robb, of New-Orleans, for procuring a loan of two hundred and fifty thousand dollars, on the terms proposed by them, in their letter of the fourth of June last, to the Cashier, or any modification of the same which may be agreed on, not materially affecting the principle of the said proposition.

SEC. 2. *Be it ordained*, That G. A. Harris, Cashier and Secretary of this Board, be, and he is hereby, appointed agent of this institution, with full power and authority to make arrangements, negotiations, and contracts for and on account of the same, to hypothecate, pledge, and make conditional and positive sale of State bonds belonging thereto, and to use and pledge the means, credit, and assets of the Bank, in any way or manner which he may think proper and necessary for the credit and welfare of the institution, and to secure the interests of its creditors, and of the State, hereby conferring upon him full and ample powers and authority, to effect the general object of procuring funds to sustain the Bank, and to cause the appreciation of its paper, and the prompt and honest discharge of its obligations and liabilities. And, if necessary, said agent is hereby directed to proceed to the Eastward, as soon as practicable, for the purpose of effecting the objects above referred to: *Provided*, That at least one of the Bond Commissioners shall assent to, and confirm, any contract, negotiation, or agreement, which may be made under the authority of this ordinance; *And provided, also*, That three members of the Finance Committee shall assent to the same, if made in this State or vicinity.

Sec. 3. *Be it ordained*, That the Bond Commissioners be, and they are hereby, ordained to proceed to the Eastward, immediately, with a view of effecting, if practicable, a sale of the State bonds, and to co-operate with the said agent in making negotiations and arrangements, and to act upon such as he may make, under the authority of this ordinance.

Sec. 4. *Be it ordained*, That the President furnish the proper and requisite letter of authority to the said Bond Commissioners and agent, and that the five hundred bonds now held by the Bank, be placed in the possession of the latter, first being endorsed in blank, and authority given to fix the place of payment of the interest and principal.

Sec. 5. *Be it ordained*, That the funds which may be obtained by the said agent and commissioners, in any negotiations made, shall be used as the Finance Committee, or the Board, may direct hereafter.

Passed, 20th July, 1840.

(Signed), WM. E. WOODRUFF, *Pres't.*
(Signed), C. A. Harris, *Cashier.*

I, William E. Woodruff, President of the Real Estate Bank of the State of Arkansas, do hereby certify, that the foregoing is a true copy of an ordinance passed by the Central Board of the said institution, on the 20th July, 1840; which said ordinance is still in full force; and that C. A. Harris, Cashier and Secretary, therein mentioned, is the lawful agent and attorney of this Bank, with full and ample power and authority to do and perform all the acts and things in the same specified and referred to, and any other and all acts, which, in his opinion, may promote the interests of the Bank, including the power to fill in the endorsement on the five hundred State bonds in his possession, with such plan for paying the interest as he may select, subject, at all times, to the limitations and restrictions imposed in said ordinance, and to no other.

Given under my hand, and with the seal of the Bank affixed, at Little Rock, Arkansas, this 21st day of July, 1840.

(Signed),
[L. S.] WM. E. WOODRUFF, *President*
of the Real Estate Bank of Arkansas.

D.

Executive Department,
Little Rock, (Ark.,) March 20, 1842.

Dear Sir—I acknowledge the receipt of your communication, of the eighth December, 1841, in reply to my letter to Mr. Talmage, President of the Trust and Banking Company, and yourself, of the tenth November last.

However much I may regret the unfortunate position you occupy as the holder of the five hundred State bonds hypothecated to the Trust Company by the Real Estate Bank, the relation in which I stand to the people of Arkansas, requires me to maintain and defend their rights, whenever endangered, as well against accessaries as principals. I do not, however, insist that you were a party to the fraud which was attempted to be perpetrated upon the people of Arkansas by this hypothecation, as you disclaim it. But so far as the State is concerned, it matters little whether you had any previous knowledge of the conditions upon which this hypothecation was concluded between the Trust Company and Real Estate Bank, or whether you had none whatever. The charter, and the authority of the agents under it, constituted the land-mark which should have governed your purchase.

The charter, and the laws of the land, must determine the liability of the State, in the matter of these 500 bonds; and, in this transaction, the principle of *caveat emptor* properly applies.

The security of the rights of the citizens, will not allow a departure from the rules here laid down, without a surrender of all the checks and guards against the unscrupulous action and criminal audacity of soulless corporations.

In your communication, you disclaim any connection with the Trust Company, and seem to rest your claim upon the fact, that you are an innocent purchaser, without notice. By the existing and established laws of the State, which govern and determine not only the liabilities of individual citizens, but the State herself, (for, by the law, the State can sue and be sued), you stand in no better attitude, unless it be in a moral point of view, than the North American Trust and Banking Company, whose acts and doings, with the connivance of others, after pillaging the banks, would rob the State, and plunder the people of Arkansas of three hundred and seventy-five thousand dollars. You admit, in your letter, that the Trust Company have paid but one hundred and twenty-five thousand dollars, for the five hundred thousand dollars in State bonds; and even that amount, I learn, has not gone into the vaults of the Banks, much less has it reached the treasury of the State. With the admission which your candor prompts you to make, the question of the validity of the sale, or hypothecation, and the liability of the State, are easily determined. It is well settled, and is not controverted by you, that the hypothecation, by the Real Estate Bank, to the Trust Company, was in violation of the charter of the Real Estate Bank. The Real Estate Bank had no power to dispose of State bonds at less than their par value, as provided by the charter; wherefore, as the bonds were disposed of in violation of the charter, and without color of authority, at less than their par value, to wit: five hundred thousand dollars for one hundred and twenty-five thousand dollars, the contract was null and void, so far as it concerned the State, and could entail upon the State no liability whatever.

Hence, the Trust Company could not have recovered from the State. In support of this you are referred to the decision in the case Delafield *vs.* State of Illinois, decided by the highest judicial tribunal in the State of New-York, by a vote of nineteen to three. The Court of Errors seem to have held, in that case, the doctrine, that if an agent exceed his special and limited authority, the principal is not bound, but the acts of the agent are mere nullities, as to the principal; and in cases where the agencies are created by an act of the Legislature, the purchaser is bound to know the special authority contained in the act, and purchases at his peril. The Court of Errors held, that when the sale of bonds was required to be at par value, any sale less than par value was in direct violation of the law, and, consequently, null and void. They further held, that a sale on credit was a sale at less than par value, and, consequently, void. This is the substance of the report, as it has reached me, and, as I suppose, substantially correct.

If you should still doubt as to your legal or equitable claim against the State, for indemnity, I refer you to our statutes upon the subject of assignments. *R. S.* 107. Section 1 makes all contracts in writing, for the payment of money, assignable. Section 2 authorizes the assignee to maintain suit, in his own name, for recovery, upon instruments assigned, in the same manner as the original payee or obligee might could do. Section 3 provides in the words following: "Nothing contained in this act, shall change the nature of the defence, or prevent the allowance of discounts or off-sets, either in law or equity, that any defendant may have against the original assignor, previous to the assignment, or against the plaintiff, or assignee, after assignments."

In support of the statute, I present you with an extract of the opinion of the Supreme Court of the State of Arkansas, in the case of Kittlewell and Boggs *vs.* H. Scull, deceased, July Term, 1841. "At common law, an assignee could not maintain an action in his own name; and it was to remedy this inconvenience, that our statute was enacted, authorizing the assignment of bills, bonds, and notes, and the bringing of suit in the name of the assignee, on the original obligation; and the assignee stands precisely in the same relation to the obligor, after assignment, as the assignor did before the transfer was made," &c.

From the high character and profound legal ability of the court which gave this opinion, we presume this question to be settled, and placed beyond all further discussion. You will readily conceive your situation, as the holders of bonds illegally hypothecated, and fraudulently transferred to your firm. If, then, I have been successful in the position, that Arkansas is not legally bound to indemnify the holders of the specified State bonds, you still urge upon us the equity of your claim, and the sacred duty we owe, to preserve unspotted the integrity, and untarnished the honor, of the State of Arkansas, I acknowledge, fully, my deep sensibility of that sacred obligation, and will discharge it fearlessly, as becomes the Executive of a sovereign State; but in the discharge of that obligation, I will neither adopt nor acknowledge false principles of honor or morality.

Upon what principle of equity, honor, or *morality*, can Arkansas be called upon to recognize this act of hypothecation, and to pay these State bonds? She has received not one cent upon the hypothecation, and has, in good faith, so soon as informed of the transaction, protested against it, through her Executive, as an unauthorized and palpable violation of law. You tax our liberality too severely, when you call upon our State to sustain a transaction, whose inception was without authority of law, and whose conclusion can only be styled an unholy attempt to plunder the people of the State. The faith and credit of Arkansas were pledged to the payment of all bonds by her issued, when sold according to the law authorizing and creating those bonds. That pledge she will faithfully redeem. But to sanction a culpable transaction—a fraud—a violation of law and moral honesty, would be to make herself a party to the iniquity, and to oppress her citizens.

In conclusion, you remark, "I would respectfully suggest, without undertaking to decide the mode, whether it is not entirely consistent with the dignity of a sovereign State, when any controversy arises, involving the rights of third parties, and calling in question the faith of the State, to submit the controversy to the decision of a disinterested tribunal."

In answer to this, the Executive is clothed with no authority to refer the subject to any other tribunal than that of the representatives of the people, at the next session of the General Assembly of Arkansas.

In conclusion, I would remark, that the irritation produced by the insulting tone of a few pensioned presses of the country, in regard to the repudiation of bonds illegally and fraudulently sold or disposed of, is not well calculated to place their claims on higher grounds. Arkansas is free to act as she shall deem fit and correct. Her unsullied faith, and unaided sense of justice, will prompt her to do her duty. All menace and abuse will be met and treated as it shall deserve.

I am, with profound respect,
your very obedient servant,
A. YELL.

JAMES HOLFORD, ESQ., *New-York*.

REPORT

OF THE COMMISSIONER OF PUBLIC BUILDINGS.

His Excellency A. Yell,
Governor of the State of Arkansas :

Sir—As the Representatives of the people of the State will meet in General Assembly, at the seat of government, on the first Monday in November, it is made the constitutional duty of the Executive to give to that body all the necessary information relative to the State of the government, and to recommend to their consideration such measures as he may deem expedient.

The law has also made it the duty of the Commissioner of Public Buildings to make report, and lay before the Executive all the necessary information in relation to all contracts made by him, for the completion of the Public Buildings, as well as the several amounts of money paid out to the different contractors for that purpose; all of which information the Executive is in possession of.

The close connection between the duties of the Commissioner of Public Buildings with that of the Executive, the law making it necessary that all contracts for and on account of the Public Buildings, made by the Commissioner, shall first receive the approval of the Executive, before they are binding, as well as all settlements of contracts and certificates, upon which payments are ordered, are all so well arranged, that there can be no doubt as to their correctness; and as every official act of mine, as Commissioner of Public Buildings, has been laid before the Executive, and received his approval, but little now remains for me to do, except to give a condensed statement of all matters in relation to the Public Buildings during my administration, and to recommend such others as I may think proper to suggest.

The act of the Legislature of the 13th of December, 1838, appropriated twenty thousand dollars, to build a Penitentiary and Jail; and the act of December the 28th, 1840, made a further appropriation of forty thousand five hundred dollars, to complete the same. It will be seen that the whole amount has been expended and paid out to the different contractors, with the exception of a balance of one hundred and seventy-eight dollars and seventy-three cents, ($178 73), which still remains in the Treasury. There was still due and unpaid to James McVicar, on account of his contract for the stone work of the Penitentiary, as you will see, by reference to his settlement with the Commissioner and account current, made and approved the 9th of June, 1841, the sum of six thousand three hundred and eighty-two dollars and fifty-cents, in full, on account of his contract; since which time, to wit: on the 14th day of June, 1841, the further sum of five thousand three hundred and six dollars and seventy-three cents, ($5,306 73), was paid to him, leaving a balance still due him, and yet unpaid, of one thousand and seventy-five dollars and seventy-seven cents, ($1,075 77), for the payment of which, a further appropriation will have to be made.

For and on account of the contract of Messrs. Pitcher, Walters & Wilson, for furnishing and putting up the iron work of the Penitentiary, there still remains due and unpaid to them, as you will see by reference to their settlement and account current, made and approved the 3d of June, 1841, the further sum of three thousand eight hundred and ninety-two dollars and ninety-one cents, ($3,892 91); also, the further sum of forty dollars, claimed by them for a lot of four hundred pounds of iron, purchased by them in Cincinnati, for the use of the Penitentiary, by the order of the Commissioner of Public Buildings, which was shipped on the steam-boat Lady of Arkansas, and lost by the sinking of said boat, upon which there was no insurance, which, in justice to them, I think should be paid, and for which a further appropriation will have to be made.

It will also be seen, by the settlement with William H. Glass, on account of his contract for plastering the Penitentiary, and my report made to the Executive, of the 11th June, 1841, there still remains due and unpaid to said Glass, the sum of two hundred and six dollars and sixteen cents, ($206 16), in full payment on account of his contract, making altogether, necessary to complete full payments to James McVicar, Messrs. Pitcher, Walters & Wilson, and William H. Glass, on account of their several contracts, the sum of five thousand two hundred and fourteen dollars and eighty-four cents, ($5,214 84), less the unexpended balance of one hundred and seventy-eight dollars and seventy-three cents, ($178 73). All the other contracts for work and labor done or materials found, for and on account of the Penitentiary, have all been fully paid, and all the surplus materials, of every description, turned over to the agent.

In the settlement and adjustment of the numerous contracts for the completion of the Penitentiary, but little difficulty was presented, except as to that of Thomas Thorn, for the brick work. The contract entered into by said Thorn, with the former Commissioners, C. L. Jeffries and William Gilchrist, exhibited and marked C, and left in my possession, requires of said Thorn, that he should do the brick work of said Penitentiary, in a good, workmanlike manner, and out of the best materials; whilst the contract held by said Thorn, as exhibited and marked B, requires that the brick work should be done in the like manner, out of good materials. Taking into consideration the difference in the two contracts, the one held by Thorn appeared to be the original, whilst the one held by the Commissioners seemed to be a duplicate or a copy ; therefore, the only difficulty that presented itself, which should govern, and as to the quality of materials used, all of which was referred to the Executive, and referees were appointed as the law directs, and upon their award, the amount paid, as will be seen by reference to his settlement and account current. For excavating for the foundation, and laying the same with stone, according to contract, there was paid to him the sum of nineteen hundred and nine dollars and forty cents, ($1,909 40), and for the brick work, the further sum of twenty-four thousand four hundred and sixty-one dollars and sixty-seven cents, ($24,461 67), making the total amount of twenty-six thousand three hundred and eighty-one dollars and seven cents, ($26,387 07), which has all been fully settled and paid, in the following manner : the sum of twenty-three thousand three hundred and seventeen dollars and forty-eight cents, ($23,317 48) by the Treasurer, and the sum of five hundred and ten dollars was charged to said Thorn, as per an agreement with the former Commissioners, to be deducted from his contract, and charged to him in consideration of removing the site of said building from its first location, it being the amount paid W. S. Newman, for building a bridge, and also the further sum of two thousand five hundred and fifty-three dollars and fifty-nine cents, ($2,553 59), being the amount fonnd due by said Thomas Thorn on settlement, on account of moneys in his hands, and due the State, on account of the State-house ; it being the balance placed in his hands by ex-Governor John Pope, under a contract bearing date the 7th of March, 1835, for certain purposes therein specified, as will be seen by reference to the same, in the possession of the Executive, which by him was directed to be charged to Thorn in the settlement of his accounts for the brick and stone work of the Penitentiary, made on the 26th of May, 1841, and approved the 3d of June, 1841, it being in full payment for and on account of his contracts for the same.

Thus it will be seen, that early in June, 1841, all the contracts for building and completing the Penitentiary were fulfilled, and all the accounts settled and paid, at which time it was put in operation, and placed under the management of the principal agent and the inspectors, who exercise the exclusive control and management of the same, according to law, and will suggest to the Legislature such other improvements as in their opinion the interest of the State may demand, for the safe keeping and management of the convicts.

The act of the Legislature of the 28th December, 1840, appropriating the sum of thirty-seven thousand dollars for the completion of the State House, with this proviso, that if the Commissioner of Public Buildings shall not be of opinion that the work done upon the State House and Penitentiary have been performed according to the specified conditions and stipulations of said contracts, he shall refer the matter to the Governor, who shall cause an investigation to be made, in the manner prescribed by the act.

In entering upon these duties, the Executive is well apprised that it has been not only the result of great labor, much investigation, and perplexity, as many of the claims had been settled and adjusted, and for the want of funds had remained unpaid for near two years, and others were still unsettled, leaving no particular data by which the Commissioner could correctly arrive at the justice of their demands; however, nearly all the claims have been adjusted, settled, and paid off, without much difficulty.

The claims of S. S. Sanger, for a balance on his contract for the furniture for the State House, of eight hundred and twelve dollars and twenty cents, ($812 20), was referred to the Executive, an investigation made by referees, who awarded the amount, which has been paid in full. All the others have been adjusted, settled, and paid, as will be seen by reference to the books and papers in possession of the Commissioner, except that of Richard T. Jennings, for painting on the State House and other buildings thereto attached.

When I came to investigate that contract and the work done according to its provisions, I found that much difficulty presented itself. No regular account appeared to have been kept with him by my predecessor, so as to enable me to arrive at any very correct conclusions about it. I found that numerous certificates had been issued to said Jennings, by the former Commissioner, from time to time, amounting to upwards of nine thousand dollars, all of which had been relinquished, or assigned by him to different individuals, who were claiming payment, out of which the sum of four thousand two hundred and seven dollars and fifty cts. ($4,207 50) have been adjusted and paid. The balance still remains unpaid and held in the possession of the following individuals, who claim to receive it:—to Joseph R. Bettison, the sum of twenty-four hundred dollars, ($2,400); Thomas Thorn, the sum of five hundred dollars, ($500); Pitcher & Walters, the sum of two hundred and fifty dollars, ($250); E. Y. Baker & Co., the sum of two hundred and fifty dollars, ($250); James De Baun, the sum of one thousand dollars, ($1,000); and William Scott, the further sum of five hundred dollars, ($500), amounting, altogether, to the sum of four thousand nine hundred dollars, ($4,900); the whole of which is yet unpaid.

The Executive is well apprised, as will be seen by reference to my former report, made to him, that it has been impossible for the Commissioner to effect a final settlement and adjustment with Jennings, for the reason that he claims the amounts as heretofore certified by the former Commissioner, and refuses any further investigation, although a portion of the amount heretofore paid was referred, and awarded by the referees making the investigation.

Having fully satisfied myself, by a strict examination of all the papers, vouchers, &c., in my possession, and by reference to his contract, that there has been near three thousand dollars certified to him, for and on account of his contract for painting the State House and other public buildings thereto attached, over and above the amount that would be due according to the specified conditions and stipulations of his contract for the same, evidently resulting from mismeasurement of the work, as it will be seen that a portion of the work has been twice measured, and other work charged for, which no such work appears to have been done.

The said Jennings has also another claim against the State, for glazing, finding materials, and other work and labor done for the State House, amounting to upwards of thirteen hundred dollars, which is yet unsettled, he having failed to produce any satisfactory vouchers to show in any manner the amount of work and labor done, or the amount of materials found, so as to enable the Commissioner to settle and adjust his account for the same.

I would therefore respectfully suggest that the whole matter be laid before the General Assembly, that they may adopt such measures as will tend to settle and adjust the balances, and for the relief of the holders of the certificates, there being a balance still unexpended, and in the Treasury, of the thirty-seven thousand dollars appropriated to complete the State House, up to and including the 30th of September, 1842, three thousand two hundred and sixty-six dollars and thirty-eight cents, ($3,266 38).

By an act of the Legislature, authorizing the settling of State House accounts, approved the 12th of February, 1838, it was made the duty of the Commissioner of Public Buildings, to settle all the outstanding accounts of the State House, which had been made under the administration of ex-Governor John Pope, which duty appears to have been performed, in part, by my predecessor, E. A. Moore, as will be seen by reference to his report to the Executive, bearing date the 3d of November, 1838. A balance was found due the State, and in the hands of ex Governor Pope, of about the sum of seven hundred and fifty dollars; also, in the hands of Stephen Cotter, for moneys overdrawn on account of the State House, eleven hundred dollars; and also found in the hands of David G. Eller, the further sum of five hundred and fifteen dollars. Those claims were placed in the hands of the Attorney for the State, as required by law, and a suit in Chancery instituted against them, according to the provisions of the act of the Legislature. Judgments have been obtained against those parties, and executions issued against Pope and Eller. Cotter being notoriously insolvent, and having left the country, and no prospect of making anything, no execution has been directed in his case, which will be a total loss to the State.

In the cases of Pope and Eller, the money has not been as yet collected, but due diligence has and will be used to collect it as soon as possible; and when collected, will be paid over to the Treasurer, to the credit of the State.

By a further reference to the Commissioner's report, as above referred to, and a contract entered into between ex-Governor Pope, Thomas Thorn, and Stephen Cotter, bearing date the 7th of March, 1835, it appears that said Pope placed in the hands of said Thorn, the funds of the Court House and Jail, amounting to five thousand eight hundred and sixty dollars, and of the funds of the State House, the further sum of five thousand five hundred and six dollars; and from which it appears, also, that a settlement was attempted to be made with Thorn, but owing to some misunderstanding between the parties, none was effected.

The claim estimated by the Commissioner was about ten thousand dollars against Thorn, which was also placed in the hands of the Attorney for the State, and he, Thorn, was included in the suit in Chancery *vs.* John Pope and others. Up to March, 1841, no judgment had been obtained against Thorn, nor was it thought by the Attorney for the State, that a judgment could be obtained against him. Taking this view of the matter, the Executive recommended to the Commissioner, to effect, if possible, a settlement with Thorn, who appeared to be anxious to settle the whole matter, and to comply with his contract heretofore made with Governor Pope.

In accomplishing the settlement with Thorn, I had but little difficulty, as will be seen by a reference to our settlements, made and approved, and report in the possession of the Executive, showing said Thorn to be indebted to the State, on account of the Court House and Jail, the sum of four thousand five hundred and thirty-eight dollars and forty-eight cents, ($4,538·48); and, on account of the State House, the further sum of two thousand five hundred and fifty-three dollars and fifty-nine cents, which sum was directed to be charged to said Thorn on settlement of his contract for the brick and stone work of the Penitentiary, and the remaining amount of four thousand five hundred and thirty-eight dollars and forty-eight cents applied to the building of the Jail, as by reference to the contract by the Executive and Thorn, which has been built and completed under the superintendence of the Commissioner of Public Buildings, in accordance with the provisions of said contract, in a strong and substantial manner, with the exception of covering with sheet iron the front and two prison doors, which has been delayed for the want of proper materials; but I have the assurance of Thorn, that they will be completed in a short time.

Your Excellency is well acquainted with the amount of additional improvements made on the State House and Public Square. The north portico of the main building has been completed. The Supreme and Federal court rooms have also been completed in a neat and convenient manner, as well as all the paving about the buildings; also, the stone steps to the connections and paved walks in front; considerable grading has been done, and the square and yard much improved with trees and grass. I would further suggest the propriety of the Legislature making a further appropriation, to cause to be made a permanent and suitable enclosure around the Public Square, and to complete the grading and fitting up, so soon as the financial condition of the State will admit.

Accompanying this report, you have an abstract showing the several amounts paid to the different individuals on account of the appropriation of forty thousand five hundred dollars, ($40,500), for completing the Penitentiary, to whom paid, and the amounts still due; also, showing the several amounts, and to whom paid, out of the appropriation of thirty-seven thousand dollars, ($37,000), for completing the State House.

In conclusion, permit me to add, that, in rendering an account of my official acts during my administration as Commissioner of Public Buildings, the Executive is well acquainted with the vast importance of the trust confided to me, and the many difficulties and responsibilities that I have had to contend with, all of which I have endeavored to discharge faithfully and to the best of my ability.

Yours, respectfully,
RICHARD C. HAWKINS, *Commissioner of Public Buildings.*

City of Little Rock,
November 1*st*, *A. D.* 1842.

AN ABSTRACT,

SHOWING the several amounts paid to different individuals, out of the appropriation of $40,500, to complete the Penitentiary, up to, and including, the 30th of Sept., 1842.

TO WHOM PAID.	NATURE OF PAYMENT.	$40,500 00
Thomas Thorn,	For brick and stone work, &c., excavating.	$18,017 48
James McVicar,	On his contract for the cut stone work.	8,306 73
A. K. Higgins,	For carpenter's work, on his contract,	4,215 10
Pitcher, Walters, & Wilson,	For furnishing and putting up the iron work,	7,000 00
Philip Bilby,	For blacksmith work,	333 75
William H. Glass,	For plastering and materials,	1,443 85
Clark & Keith,	For lumber,	325 60
Smith & Bryant,	For grading, &c.	56 00
James Maddin,	For shingles,	272 00
Drayton Bryant,	For labor, clearing out the building,	10 00
Darwin Lindsley,	For lumber,	165 00
John P. Smith,	For tin work,	38 66
Bruce & Burns,	For labor, as per contract,	26 00
F. H. Lecoq,	For painting,	46 25
Darwin Lindsley,	For lumber,	64 85
		$40,321 17
	Unexpended balance,	$178 83
	Balance due to James McVicar, for and on account of his contract for stone work.	$1,075 77
	To Messrs. Pitcher, Walters & Wilson, for iron work.	3,892 91
	Additional claim for iron,	40 00
	To Wm. H. Glass, for plastering, &c.	206 16
	Total.	$5,214 84

AN ABSTRACT,

SHOWING the amounts paid to different individuals, out of the appropriation of $37,000, to complete the State-House, up to, and including, the 30th Sept., 1842.

TO WHOM PAID.	NATURE OF PAYMENT.	$37,000 00
John P. Smith,	For tin and other work, &c.	$1,100 47
Fagan & Frail,	Rough-casting, plastering, and ornamental work,	10,974 69
H. F. Pendleton,	Carpenter work, &c.	6,116 46
James McVicar,	Building stone wall and stone work of State-house, &c.	6,100 50
John Wassell,	For carpenter's work.	252 00
John Flattery,	For carpenter's, and other work on furniture,	155 00
S. S. Sanger,	Balance for furniture.	812 20
R. T. Jennings,	For painting,	4,207 50
B. A. Knighton,	For tin work on building,	142 60
Thomas Thorn,	For brick work and paving, &c.	647 33
O. Powell,	For labor, hauling, &c.	127 75
Bass & Good,	For brick work,	209 54
Howard & Gaines,	For carpenter's work,	93 50
Morison & Sullivan,	For painting,	30 00
John L. Lafferty,	For making fence, grading, hauling, &c.	805 46
Buchanan&Cady	For carpenter's work, &c. on court rooms,	380 00
Adamson, Carter, & Co.	For carpeting and curtains for court seats,	30 50
Benj. Clements,	For cleaning out and bricking well,	15 00
C. Pezick & others	For labor, grading,	63 00
D. Bryant,	For labor, grading,	21 75
Buchanan&Cady	For sundry carpenter's work, and materials,	38 25
E. H. Waldon,	For paving,	449 00
R. C. Hawkins,	For materials, paid for labor, &c. see accounts,	183 22
James Nichols,	For glazing, and finding materials.	35 75
Pitcher & Walters	For glass and materials,	54 00
W. W. Stevenson,	Balance of salary as Commissioner,	666 65
E. Hatch,	For repairing well-pump and covering,	21 50
		$33,733 62
	Unexpended balance,	$3,266 38

RICHARD C. HAWKINS,
Com. Pub. Buildings.

REPORT ON THE PENITENTIARY.

To the Honorable the General Assembly of the State of Arkansas, now in session:

In obedience to the 5th section of an act approved on the 17th December, 1838, I herewith submit to your honorable body the present condition of the Penitentiary of the State, showing the profits and losses of the establishment, and the number, name, and general description of persons discharged since the 9th of February, 1842, together with a few facts as regards the minor details of my office, and humbly coupled with a few remarks and suggestions for improvement, as I consider indispensable to the security of the convicts, and the importance of the institution.

The original design of making this a self-supporting establishment, is now, in some measure, carried into successful operation. On the 15th December, 1841, the business of manufacturing shoes was first commenced, since which time, whenever materials could be procured, they have worked steadily. Owing, however, to the depreciated state of Arkansas money, we were greatly impeded in our purchases of materials. One overseer prepares the work for the convicts, and labors constantly himself. In all, we may estimate the work of this branch of industry at about two-thirds the whole time since the above date—(15th December, 1841).

The trades of the carpenters and coopers have also been in full operation since I took charge of the institution, (to wit, on the 9th February, 1842). I have also, with the consent of the inspectors, erected a blacksmith's shop within the plank enclosure, and commenced the trade of blacksmith, on the 10th October, 1842, with a hired mechanic to instruct the convicts.

The following statement will show the profit and loss arising from this institution, from the 9th February, 1841, including October the 31st, in the same year:

Amounts of work done, with the value of stook and tools on hand, purchased since the 9th February,	$2,840 17½
Wages for mechanics, turnkeys, and doctor's bill,	2,722 04½
Cash drawn from the inspectors,	40 00
Expenses (not including the salary of Agent) above earnings,	816 33½

In the above list of expenses, is included the materials for an office that was built for the Agent, a house for the superintendent of the shoemakers, and a blacksmith shop.

Of the number of convicts discharged, one, a William Wasson, convicted in Crittenden county, of the crime of larceny, on the 16th day of April, 1841, sentenced to one year and one day's confinement in the Penitentiary; said Wasson is twenty-two years of age, five feet seven inches high, light hair, blue eyes, and fair complexion; he made his escape from the Penitentiary, the 23d day of July, and was retaken and delivered to the Agent, on the 12th day of August, 1841. Said William Wasson was pardoned, on the 27th April, 1842, for his good conduct in disclosing a plot made by a portion of the prisoners to effect their escape. Conduct while in prison, good.

Having been Agent of this Penitentiary since the 9th February, 1842, I have thought proper to state such facts and suggestions in relation thereunto, as have occurred to me during my limited superintendence.

The first thing to which I would request the attention of your honorable body, is the want of a hospital, or any ward in the building, to which we might remove the sick, in order that they might, while ailing, at least, enjoy the privileges of fresh air, warmth, and a bed. A physician attends, it is true; but of what avail is medicine, without the assistance of any of the means of nursing? The patient is stretched in a cold cell, the noisome and noxious smell from which, under the circumstances of sickness, would make a well man sick. It is philanthropy, yes, the cause of humanity, that speaks in the above short statement. I do not speak it as the keeper of a Penitentiary, but as a man. If the original plan of building had been carried out, the interior arrangements connected with the prison would have been extremely simple and efficient; the cells would have been much more comfortable than they can be made now, under any circumstances. One thing which the want of is now experienced, is the plan of a conduit, or series of cast iron pipes, connected with all the cells, and making its way out under ground, in each cell. There ought to be a communication with this conduit, and a sink, which at pleasure may be filled with fresh water from above, in order to be discharged into this conduit, to cleanse and purify it. The prison could by that means be kept both cool and clean, the tendency and advantage of which to the health of the prisoners, I need not attempt to explain.

While speaking of the convicts, I would humbly suggest the propriety of devising some means for a fund for the use of discharged convicts, in order that when again thrown upon the community, they may have the means either to return to their homes here, or to support themselves on their way to a distant home, where they are not known, and where, with their past experience as a monitor, they may settle down into honest men and industrious citizens. It is hard, indeed, very hard, when men are turned adrift in a place where they are known, and consequently looked upon with suspicion, without a cent in their pockets, without the means of a livelihood, with none to employ them on account of that one stain, and without money to go elsewhere, is it not surprising that these men should be tempted to resume their former courses, and consequently become again chargeable to community as prisoners?

I will now make a few remarks upon the police of the Penitentiary, which you all admit must, or should be, of the most effective description. The law allows to assistant turnkeys, or keepers, the salary of $200 per annum. I do not suppose any honest, upright, sensible, deserving man, (all of which qualifications are strictly necessary to fulfil the office of turnkey, or assistant keeper,) can be hired for the paltry sum of $200 per annum. Within the last year, the money has been, most of the time, at 50 per cent. discount. It is my duty to lay this subject before you, and it is for you to decide whether the salary of assistants should not be such as to induce trustworthy men to take the office. This is a matter of the most vital importance to the well-being of the establishment.

I beg leave to respectfully submit for your consideration, the propriety and expediency of erecting a wall, enclosing the Penitentiary, and joining rooms for all the convicts to carry on the duties assigned respectively, within said wall. I believe there is no safety or security against the escape of convicts from any prison or penitentiary, without it. So far as I can learn, in all penitentiaries within the United States or Europe, where conviction and reform of convicts are the prominent objects, and where the convict is not subject to solitary imprisonment, a substantial wall, enclosing the penitentiary building, has been considered the only safety for the convicts, and engaged the early attention of the Legislature, in establishing a penitentiary. It would not be difficult to demonstrate to your honorable body the impolicy and inhumanity of solitary confinement, in a climate so far south as that of Little Rock. It would be impolitic, unprecedented inhumanity, because no person, however good his constitution be, would, in my opinion, survive a five years' confinement to a solitary cell. If the health of the convict be considered, as well as the productiveness or value of his labor, he should be suffered to work in the open air in the day, and securely confined in cells at night. To effect this object, a wall enclosing say four acres, is indispensable; the wall ought to be of sufficient height to prevent leaping over, and a sufficient thickness to prevent penetration. I would suggest, for the consideration of your honorable body, a wall of rock and brick, twenty-five feet high, and four feet thick at the base, diminishing to three feet at the top. Let ten of those feet at the ground be of rock, the other fifteen be of brick, of first quality as to durability. I believe a wall of this description could be built for twenty-two thousand dollars, independent of the aid given by the convicts. Until there is some security of the above description, the convicts cannot be kept secure, nor can their labor be profitable. Without such a wall, an additional expense occurs to the institution, which is, that as convicts increase, guards will necessarily increase, and one hundred convicts would require at least one-third that number of guards, and even then not be safe. This last calculation of expense is on the supposition that the convicts are to be employed out of their cells in day time.

In conclusion, I would acknowledge my obligations to the Rev. W. W. Stevenson, who has kindly and philanthropically supplied all those prisoners who could read, with Bibles. He also has commenced lectures on Sundays, for the moral and religious instruction of the convicts. We believe that such instructions are as necessary for the attainment of the great object of the institution, as any one thing can be; and if provision were made to bring mild, moral, and religious persuasion to bear oftener upon the sour and irritated minds of the convicts, unhappy in the consciousness of their guilt, we venture to say that happy results would certainly follow.

All of which is respectfully submitted.

JAMES M'VICAR, *Agent*
of the Penitentiary.

THE FIVE HUNDRED THOUSAND ACRE DONATION.

B.

Executive Department,
Little Rock, November, 1842.

To the Hon. the Speaker
of the House of Representatives:

I herewith enclose a condensed list of the quantity of land selected by the locating agents, as a portion of the 500,000 acres of land granted to the State, under the act of the 4th September, 1841.

Also, a plat, containing the particular townships, and the locations of the selections now made, to wit:

W. H. CONWAY, *of Hempstead County.*

Township	14	South,	Range	30	West,	1,564	
”	14	”	”	31	”	2,870	
”	13	”	”	30	”	480	
”	13	”	”	31	”	960	
							5,874

GEN. JOHN CLARK, *of Chicot County.*

T.	11	S.	R.	4	W.	1,120	
”	16	”	”	4	”	480	
”	11	”	”	3	”	800	
”	17	”	”	2	”	2,960	
”	18	”	”	2	”	1,120	
”	19	”	”	4	”	2,160	
”	17	”	”	5	”	320	
”	17	”	”	4	”	2,720	
”	18	”	”	5	”	2,480	
”	16	”	”	5	”	960	
”	18	”	”	5	”	800	
”	19	”	”	5	”	720	
							16,640

FICKLIN & McCLELLEN.

T.	10	S.	R.	3	W.	1,920 acres.	
”	9	”	”	3	”	1,280	
”	9	”	”	4	”	1,360	
”	9	”	”	5	”	1,680	
”	9	”	”	6	”	480	
”	10	”	”	4	”	12,160	
”	10	”	”	5	”	3,200	
”	9	”	”	2	”	2,880	
”	9	”	”	1	”	960	
”	10	”	”	1	”	800	
”	7	”	”	1	”	320	
”	5	”	”	7	”	640	
”	4	”	”	7	”	4,480	
”	4	”	”	8	”	2,980	
”	1	”	”	9	”	1,920	
”	4	”	”	10	”	160	
”	4	”	”	9	”	4,720	
”	3	”	”	9	”	320	
”	2	”	”	9	”	3,840	
							46,100

E. H. FLETCHER, *of Mississippi County.*

T.	13	N.	R.	11	East,	1,600	
”	10	”	”	8	”	960	
”	11	”	”	8	”	320	
”	11	”	”	9	”	1,920	
”	14	”	”	12	”	1,980	
”	14	”	”	13	”	160	
							6,940

DAVIS THOMPSON, *of Phillips County.*

T.	4	N.	R.	5	E.	2,360	
”	3	”	”	4	”	2,368	
							4,728

CHARLES E. MOORE'S *Locations.*

T.	14	S.	R.	26	W.	1,160	
"	17	"	"	26	"	2,240	
"	18	"	"	26	"	4,180	
"	15	"	"	27	"	520	
"	17	"	"	25	"	1,450	
"	15	"	"	25	"	2,070	
"	16	"	"	26	"	320	
"	14	"	"	28	"	440	
"	13	"	"	27	"	2,100	
"	14	"	"	27	"	2,160	
"	16	"	"	25	"	6,480	
"	15	"	"	26	"	2,400	
							25,520

Total amount of acres,	105,802

Supplemental Report.

DAVIS THOMPSON.

T.	4	N.	R.	6	E.	10,000	
"	4	"	"	7	"	7,920	
							17,920
							123,722

A. YELL.

MR. ARRINGTON'S BILL

FOR PUTTING THE STATE BANK INTO LIQUIDATION.

SEC. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That there shall be elected by the General Assembly of this State, at its present session, and at every subsequent regular session thereof, an officer, who shall be denominated "The Bank Commissioner of the State of Arkansas," with an annual salary of —— dollars, who shall be commissioned by the Governor, and hold his office for the term of two years, and till his successor shall be elected and qualified.

SEC. 2. If such Commissioner die, resign, remove beyond the limits of the State, or his office, by any other means, become vacant, during the recess of the General Assembly, it shall be filled by an appointment by the Governor, and each Commissioner elected or appointed, by virtue of this act, shall, before entering on the duties of his office, take and subscribe an oath endorsed on his commission, that he will faithfully perform the duties imposed on him by law, and by virtue of his election or appointment.

SEC. 3. It shall be the duty of such Commissioner, and he is hereby required, within three months from the time of his election or appointment, and regularly, at periods of not more than six months apart thereafter, to examine carefully and thoroughly, all the books and accounts, record and proceedings of the Trustees of the Real Estate Bank, and to ascertain whether said Trustees have faithfully performed the duties imposed on them, and executed the trust imposed on them ; and to this end said Commissioner is hereby required, while the several committees of said Trusteess are kept up under the Deed of Assignment, made by said Bank, to visit, at the periods hereinbefore provided, the several places where the business of said committees is done ; and said Commissioner is hereby invested with all the powers necessary to constitute him the visiter and examiner of the accounts and proceedings of said Trustees, and he is hereby specially constituted the agent of the State for that purpose.

SEC. 4. The Commissioner aforesaid shall be, and he is hereby, required and empowered to visit and examine as aforesaid, at any other time when the Governor shall deem such examination and visitation necessary, and shall require him so to do ; and he shall immediately after his first visit and examination in each year, report to the

Governor a full statement of the condition of the assets and liabilities of said bank; and shall also do so immediately before each session of the General Assembly.

Sec. 5. If upon any examination into the accounts and proceedings of said Trustees, or at any other time, or in any other manner whatsoever, said Commissioner shall discover that any of said Trustees have been guilty of any act, which by the law of the land is sufficient cause for removal from their place of Trustees, it shall be the duty of said Commissioner forthwith to file and exhibit before the Chancellor of the county of Pulaski, to whom for that purpose sole jurisdiction is hereby given, and full power to issue process throughout the State, a bill or information in behalf of the State, praying the removal of such offending Trustee or Trustees, and the appointment of others in their place, which bill or information shall be heard and disposed of, in term time or vacation; and said offending Trustee or Trustees shall be required to answer thereto within ten days after the return day of the process in such case, unless further time be given by the Chancellor upon a proper showing; and the process therein shall be returnable before the said Chancellor, on the first Monday of some month, which the Chancellor in his discretion shall designate in such process, after the filing of the bill, not being less than twenty days after the filing of such bill and the date of such process. And said Commissioner shall also give information of every such breach of trust or violation of duty of any Trustee or Trustees, as may be indictable under the provisions hereinafter specified, to the grand jury of the proper county, at the next circuit court of such county, after such criminal act or omission shall have come to his knowledge.

Sec. 6. If said Trustees, or any committee thereof, or any part, partner, or individual thereof, shall at any time, when such Commissioner is authorized, by this act, to make examination, prevent or refuse to permit such visitation and examination to be made, the Commissioner shall forthwith file such bill or information as before herein provided, praying an account, and the removal of the offending Trustee, upon which bill or information proceedings shall be had as provided in the last preceding section.

Sec. 7. Each of the Residuary Trustees, who shall hereafter be elected, or succeed to the administration of said trusts under the Deed of Assignment aforesaid, is hereby required to execute bond to the State, conditioned for the faithful performance of the trusts confided to him, in the sum of fifty thousand dollars, which shall be deposited in the office of the Secretary of State; and the bonds heretofore executed by said Trustees shall in like manner be deposited in said office.

Sec. 8. If any one of the Trustees under said Deed of Assignment shall at any time fail to make payment, and settle his indebtedness to said bank in the manner and at the times provided in and by said Deed of Assignment, such failure is declared to be, and shall be taken and considered as, good cause of removal of said Trustee; and unless his co-Trustees shall within a reasonable time after any such failure or defalcation occurs, proceed in equity to remove such Trustee so failing to pay his indebtedness as aforesaid, it shall also be good cause in equity for removing each Trustee who actually knows and connives at such default. And whenever any bill or information shall be filed to remove any such Trustee, such Trustee shall, by the filing of such bill, *ipso facto*, be suspended from office, pending such suit, and until the same shall have been determined.

Sec. 9. The jurisdiction to appoint or remove such Trustees under said deed, is hereby conferred solely upon the Chancellor of the county of Pulaski, on whose behalf soever any bill for that purpose may be filed.

Sec. 10. The Trustees under said deed, their successors and survivors, shall be, and they are hereby authorized and empowered to sue in all courts of law and equity in this State, by their general name and description of "The Trustees of the Real Estate Bank of the State of Arkansas," without using their individual names, upon all bonds, bills, notes, contracts, deeds, mortgages, evidences of debt, or causes of action whatever, executed, made, endorsed, given, belonging, or accrued to either said Trustees, their successors, or survivors by name, or to said bank; and no such suit shall be abated, delayed, or otherwise affected by any change in such individual Trustees; and all suits now pending in any of the courts of this State, in the name of said bank, or of said individual Trustees shall proceed to judgment, decree, and execution, in and by said general name and description; and said Trustees, their successors, and survivors, shall be, and they are hereby authorized to contract and take, and receive notes, bills, bonds, and other evidences of debt to them, in and by their general name and description aforesaid; and no change in the individual Trustees shall abate, delay, or in any wise affect any suit thereon.

Sec. 11. The individual Trustees aforesaid may execute their notes or bonds for their indebtedness to said bank, as required by said deed, to the whole body of said Trustees, by their general name and description aforesaid; and such notes or bonds may be sued on by said Trustees by their said general name, at law, in the same manner and with the same effect, as if said notes or bonds had been given and executed by any other individual or individuals.

Sec. 12. Suits brought by said Trustees may be brought in the same counties where the bank is now authorized by law to sue, and process may issue to any county in the State, in the same manner and with the same effect, as is now provided by law in regard to suits by said bank.

Sec 13. *Be it further enacted*, That if any Trustee, or officer, or agent, or attorney of any Trustee or officer, in this State, shall hereafter appropriate to his own use, or embezzle any of the trust funds or other funds committed to his charge, or keeping, collection, receipt, or management, or shall fail to pay over or account for the same, at the proper times required by the law, or instrument creating or regulating said trusts, such Trustee, officer, or agent shall, on conviction thereof, be deemed guilty of *felony*, and shall be punished by fine, not less than fifty thousand dollars, and imprisoned in the jail and penitentiary house for not less than twenty years, and shall be deemed forever thereafter incapable of holding any office of honor or profit in this State ; and shall likewise be adjudged to pay over the amount so appropriated, embezzled, retained, or not paid over, with compound interest thereon, at the rate of ten per centum per annum, from the time the same came to his hands.

Sec. 14. The provisions and penalties of the preceeding section shall be so construed as to extend to all cases of public and private trusts ; and to all cases where an attorney at law collects and misapplies, or uses, or retains the money of his client.

Sec. 15. Any Trustee who shall knowingly and wilfully fail, omit, or in any wise refuse to perform the duties imposed on him as such Trustee, either by law or the instrument creating such trust after he has once accepted the same, or who shall apply the trust funds, in any other manner, or to any other purpose, than according to the terms of such instrument and the laws of the land, shall, on conviction, be punished, as is prescribed in the 13th section of this act.

Sec. 16. Any attorney at law who shall advise, counsel, aid, or in any manner abet any other person in the commission of any of the aforesaid crimes, shall be deemed to be a principal therein, and on conviction, shall be punished accordingly.

Sec. 17. Any person or persons, belonging to any banking company, or institution, or any other company, public or private, and any person or persons of any class, name or description whatsoever, who shall be concerned, in any wise, in issuing any bank bill, or note, or any change ticket, or any other evidence of debt, designed to circulate as money, shall, on conviction thereof, be punished in the jail and penitentiary house of this State, for a period not less than ten years.

Sec. 18. This act is hereby declared to be a public law.

Sec. 19. This act shall be in force from and after its passage.

REPORT

OF THE COMMITTEE ON THE REAL ESTATE BANK.

Mr. Speaker—The joint select committee, to whom was referred the examination of the condition of the Real Estate Bank, and more especially the several subjects to which their attention has been particularly directed by the resolutions, ask leave to report—

That they have had much difficulty in answering many of the inquiries to which their attention was directed. It will be remembered that the Bank has made no report to this General Assembly, as required by the 32d section of its charter; that the branch banks are too distant for personal examination; and that one of them (the branch at Washington,) has wholly neglected to render any showing or account of its condition. Under these disadvantageous circumstances, they have carefully examined into the condition of the Bank and its branches, so far as the records and evidences in the Bank would afford information, and from all other attainable evidence, after which, they delayed this report, with the hope that information might be obtained from the *Washington Branch*. Not having received it, your committee offers this as an apology for the delay which has attended this report.

That a sensible and connected view of the condition of the Bank may be presented, and that justice may be done the conduct and motives of its various agents, your committee deem it best to take up the several transactions of the institution in the order in which they occurred; and as respects an inquiry into motives, find it utterly impracticable to determine the motives which prompted any one particular act. By an examination of the act alone, each act involves in it an inquiry, not alone into the condition and circumstances of the Bank at that particular period, but an inquiry, at the same time, into the finances and currency of the American Republic, if not a range beyond it. By thus comparing acts and circumstances, past and present, we may arrive at conclusions responsive to the inquiry with which we are charged.

Looking, then, into the history of the past, we find that the Bank was chartered in the month of October, 1836, at a time when the south-western States were flooded with immense quantities of paper currency, giving to every species of property an inflated, artificial value. It was at this unfortunate period for Arkansas, that one hundred and eighty-four of her citizens caused 127,520 65-100 acres of land, of which 14,460 acres were in cultivation, to be valued at $2,603,932, on which were awarded 22,500 shares, at one hundred dollars each. Admitting the fact that every description of property was extravagantly high at the time these lands were valued, still it is the opinion of your committee, that *too little regard was paid to the valuation of the land*, by reason of which, the State has been greatly imposed upon. On examination of the stock debt of the principal bank and branches, (except that at Washington,) amounting to $833,845 28-100, your committee are of opinion that 33⅓ per cent. on the amount will be lost, unless made out of the property of the stockholders.

Your committee have also ascertained that said bank and branches (except the branch at Van Buren,) commenced banking operations on the 10th day of December, 1838, without any cash capital in its vaults, its only means consisting of certificates of deposite in other banks, to the amount of $355,756 15, and $53,747 75 in the bills of other banks, as will more fully appear by reference to the statement accompanying this report, marked A. Our attention has been particularly directed to this point, with instructions to report our opinion as to its effect upon the chartered rights of the Bank. The first section of the charter provides for the establishment of the *Real Estate Bank*, with an *original cash capital* of $2,000,000!!! to be raised by loan, &c.!! We have shown that the Bank had not $2,000,000 in cash, at the time it commenced business. The question to be determined is, could the Bank commence banking with a less *cash capital* than $2,000,000? This point needs no illustration. The supposition that the Legislature intended the Bank to commence with a less cash capital than that expressed in the charter, is not only repelled by the direct and positive letter and spirit of the act, but, if allowed, must lead to the most absurd conclusions. To say that the Bank might commence with a less sum than is expressed in the charter, is to admit the power to *bank* on one dollar. Once abandon the sum fixed by the charter, and it places the whole matter in the power of the Bank. Your committee are therefore of opinion, that the Real Estate Bank, in presuming to commence banking operations with a less *cash capital* than $2,000,000, was guilty of a flagrant and palpable violation of its charter, for which a forfeiture may and should be declared; and whether viewed as the result of oversight and negligence, or an open and wanton violation of law, deserves to be marked with the unqualified disapprobation of this General Assembly.

As respects the investment of the State bonds, the agents employed, the manner in which their trust was discharged, and the kind of funds received by them, your committee would suggest, that under special resolutions, requiring them to examine this particular subject, they have already reported at length to the House of Representatives, to which reference is respectfully made.

Upon examination of the list of discounts, your committee were forcibly struck with the very disproportionately large amount of accommodations afforded the stockholders and officers of the Bank—more than the whole of the other citizens of the State put together. This distinction in favor of the stockholders and officers of the Bank, we find kept up from the commencement to the close of the brief but fatally disastrous career of this institution. Your committee made a careful estimate of the amount of notes and bills receivable, distinguishing between the stock debt and whole debt of the stockholders and officers, and the debt of all other persons, and the amount of each which is considered good, doubtful, and bad, (not including the Washington Branch); from which it will be seen that the whole debt due to the Bank is $1,738,269, of which sum, $835,845 28 was drawn out of Bank by the stockholders, on stock; that the whole debts due by the stockholders and officers, including the stock debt, is $1,147,982 53; and that the whole debt of all other citizens of the State, amounts to $316,880 35; from which it will be seen, (deducting one-fifth for the stockholders for the Washington Branch, of the debts of whom no estimate is taken,) that two hundred and twenty-four citizens, stockholders, with their officers, received out of, and yet owe the Bank, $931,102 18—more than the whole of the other citizens of the State put together; and that they owe, in addition thereto, as security, the sum of $709,886 16.

For the purpose of ascertaining the amount of solvent debts, we called to our aid members from the different Bank districts, and have classed them according to our best information, as follows: Good debts, $583,177; doubtful debts, $160,811; bad debts, $160,436. This estimate does not include the stock debt, and is but imperfectly taken. We think, without great care and industry in the management and collection of the debts, a greater amount will be lost than we have reported.

There is one other subject touching the present branch of inquiry—the amount of debt which is due, the length of time due, and whether a debt of stockholders or others. The result of our examination is as follows: Due by the stockholders and officers of the Bank, and remaining unpaid, in 1839, $75,364 47; in 1840, $187,541 62; in 1841, $269,221 72; and due in 1842, $391,372 32; whilst the debts of other citizens, for the same period, are as follows: in 1839, $10,209 97; in 1840, $66,933 27; in 1841, $79,438 13; and in 1842, $86,966 43. A small amount of non-resident debt was not taken into the estimate, nor was the debt of 1843.

Without pretending to strict accuracy in this tedious and very laborious calculation, enough is ascertained to establish conclusively the following facts: That the officers and stockholders of the Bank, in utter disregard of the avowed object for which the Bank was established, "to aid the great agricultural interests of the State, and the wants and necessities of the people," without having deposited any portion of their capital in Bank, sold and exchanged a very large proportion of the capital and funds of the Bank, and appropriated to themselves, and yet owe it, $1,147,982 53; that they have suffered their debts to lie over unpaid, and their paper to depreciate in value, and hang like an incubus upon the State, paralyzing its energies and retarding its growth. So far as relates to the conduct of the managers of this institution, this expose has been made with a view to the special inquiries contained in the resolutions, "whether the discounts were made to the people at large, or to the favorites of the Bank?" In answer to which, your committee have been unable ro learn who the favorites of the Bank are. They submit facts, which show a monopoly and favoritism on the part of the *stockholders and officers, in their own behalf.*

Your committee are aware that various causes conduced to precipitate this institution into suspension and bankruptcy, amongst which may be considered that of selling the Bank's capital for every grade of currency and exchange, and then vending it out as exchange, and loaning it on time, thereby in fact selling and loaning the capital, instead of placing it in the vaults of the Bank, there to remain a pledge for the redemption of its circulation; all of which facts are clearly proven, and illustrated in the special report of this committee to the House of Representatives, and exhibit A. of this report.

There is still another cause, over which the Bank had no control, and for which no censure can justly attach to its officers; which is this: The general state of finances in Europe and America; the condition of the Banks in the adjoining States, and of our own State, together with the fact that the balance of trade was decidedly against Arkansas; she importing thousands, and exporting comparatively nothing. Had Arkansas maintained at New-Orleans the balance of trade in her favor, the advantages to the Banks of the State would have been incalculable.

Having been required to examine and report whether at any time said Bank had more than three dollars in circulation for one in specie in its vaults, your committee, after a careful examination, have ascertained, that on the first of November, 1839, the immediate liabilities of the Bank were $274,447 75, of which sum, $154,910 was in circulation, and $119,537 75 due to depositors; and that her immediate means of payment were as follows: Due from banks abroad, $20,753 14; available paper, $15,945 75; specie, $111,967 54; which, when taken together, make the sum of $148,666 43, and deducted from the immediate liabilities above, left the Bank in debt $125,781 32, beyond its immediate means of payment; that at this date, and whilst the Bank was so unable to meet its liabilities, it was ordered by the Directory of said Bank, in Central Board assembled, that the Principal Bank and each of its Branches should *issue* $125,-

000 *each*, and, in addition thereto, that the *Principal Bank and each of its Branches should issue $50,000 to the Van Buren Branch*, on which said Branch was to be put into operation; making the whole amount so to be issued $700,000. Your committee can find but little apology for this extraordinary and to them improvident act, unless it be found in the fact, that about this date, 500 State bonds, of one thousand dollars each, had been placed at the disposal of the Bank, to be sold for the avowed purpose of putting the Van Buren Branch into operation. From all of which it will appear, that said Bank had, shortly after the period last aforesaid, more than three dollars of its paper for one in specie in circulation, in direct violation of the provisions of the 21st section of the charter of said Bank.

Your committee have also been charged with an examination into the terms and condition upon which said 500 State bonds were disposed of. On the 7th day of September, 1840, a resolution was passed by the Central Board of Directors of said Bank, appointing C. A. Harris agent to dispose of said bonds, upon the following terms and restrictions, to wit: "To make arrangements, negotiations, and contracts, for and on account of the Bank, to hypothecate, pledge, and make conditional and positive sale of State bonds belonging thereto; and to use and pledge the means and credit and assets of the Bank, in any way or manner he may think proper, for the credit and welfare of the institution." And that the Board of Commissioners co-operate with said agent, &c. Whilst this general and unqualified power was well calculated to mislead and deceive the incautious capitalist, it was an open and wanton violation of the ninth section of the charter, which expressly provides that "nothing less than par value shall be received for the bonds." Your committee are therefore of opinion, that the resolution authorizing the hypothecation of said bonds, is, and was in its inception, absolutely void, and conferred no such power on the agent; and that the State of Arkansas cannot be bound for the payment of the bonds, unless sold in accordance with the provisions of the charter.

For the purpose of ascertaining as far as possible the whole amount of assets in bank and its liabilities, your committee proceeded to make a careful examination and count of the cash, and other funds now in the bank, and report the following as the result: There is now in the vaults of the principal bank, in gold and silver, $6,706 48 cts.— In certificates of deposite, $6,448 96 cts. In Real Estate Bank paper redeemed, $116,365. In State Bank paper, and State bonds and checks, $41,834 29 cts. The whole amount of funds in the bank and branches, together with the entire indebtedness, according to the best information we can gain from the Cashier of the bank, (including the Washington branch, in relation to the condition of which we have no correct information,) will be found in exhibit (B), accompanying this report. We deem it due to the bank to present this statement of its condition. How far it may be correct, we are not prepared to say; and to us it is difficult to conceive how the bank, from its own account of its records, can determine. It will be seen from this exhibit, that the whole amount of circulation charged against the bank, is $419,925. Still there is not a particle of evidence showing what amount of blank impressions came to the principal bank. There is a record of the bills issued; but whether that record is true, we have no means of deciding, but by comparing the amount of blanks received with the register of the bills issued, and the blanks on hand. Again, the Washington branch has not forwarded an account either of circulation or blanks. Who knows, or can know what amount has been issued, without examination? We have no doubt of the correctness of the Cashier's statement, so far as he has had the means of information; and your committee would here take occasion to remark, that every information sought by the committee, as far as in the control of the Cashier, has been promptly and obligingly furnished.

It will be further seen, by reference to said exhibit, that the sum due to depositors and banks, is $165,410 48 cts. Capital stock and profits, $1,688,244 48 cts., and credits by bills and notes, $1,923,775 21 cts. Real Estate, $34,394 92. Due from banks, $30,242 89 cts. General interest and bonus, being amount paid by branches, $73,386 78 cts. Specie and certificates of deposite on N. Y. $53,557 69 cts. Bank notes, Real Estate and other banks, $80,228 52 cts. State bonds, $38,000. As has been before remarked, this statement goes beyond the range of our information, embracing as it does the Washington branch, as well as the principal bank and all other branches.

Your committee esteemed it a matter of importance to ascertain, if possible, the amount of notes of the bank now in circulation. To this end they made diligent enquiry and search for some record or evidence of the amount of blank impressions originally received by the bank; they found in the principal bank, three original bills, showing the amount for each branch bank, except the Van Buren branch, for which branch none were ever prepared;—each of the other branches was charged with the receipt $1,240,000.

There was, however, neither record nor receipt, showing what amount came into the principal bank. The present Cashier was not an officer of the bank at its organization, and has no recollection or knowledge on the subject. We are therefore wholly without information as to the amount of impressions received, and without which, we cannot render an account worthy of confidence. We did, however, attempt an imperfect calculation from other sources of information. We find the bank charged with $21,143 37 cts., the amount of engraver's bill; and on one of the bills for a branch bank, an estimate of the cost of that bill; from which we were enabled to state a proposition, which would show that the excess of cash on the engraver's bill, after paying for the branch bank impressions, would have purchased for the principal bank $1,416,264. This calculation, we find, will not lead to just conclusions, because upon counting the impressions on hand, and the bills redeemed and on hand, it would exceed the amount of impressions, leaving no bills in circulation. Your committee, on an examination, found in bank $1,322,770 of blank impressions. That $50,000 of redeemed bills were burnt on the 25th day of June, 1842.

They find also, that by an order of the Trustees of the Real Estate Bank, there was directed to be consumed by burning $964,800 blank impressions from the Helena branch, and $40,150 of bills redeemed. Bills of that branch on hand, $2,345; which several amounts deducted from $1,240,000 blank impressions as per engraver's bill, leaves a balance of that branch paper in circulation of $232,705. That by the same order there was directed to be destroyed in like manner, $1,016,580 of blank impressions from the Columbia branch, and $113,835 of bills redeemed; and bills of that branch on hand, $1,380; which several amounts deducted from $1,240,000 blank impressions, as per engraver's bill, leaves a balance of the Columbia branch paper in circulation of $88,205. These two amounts, (admitting that they were actually burned), we may safely say are the true amounts in circulation of these two branches.

The amount actually received by the bank upon the hypothecated 500 State bonds, was $121,336 59 cts.; not one cent of which was ever placed in bank as its capital; but on the contrary, was received in bank paper, and part of it appropriated to the payment of interest on the bonds of the State, due on the 1st of January, 1841. The Van Buren branch, from our best information, commenced banking without a specie capital, and limited its operations principally to loaning the amount of paper received upon the issues of the principal bank and branches, referred to in a previous part of this report.

There was for that branch, 60,290 24-100 acres of land, of which 4,831 were in cultivation, valued at $776,840 06 cts., on which were awarded 5,640 shares of one hundred dollars each, to one hundred stockholders; which, together with the first number set forth in this report, are the whole number of stockholders of said bank.

Your committee have but imperfect information on this subject, but so far as they can learn, the stock was never perfected, or property secured by mortgage. The discounts were invariably made on personal security, as appears from the abstract returned to the principal bank.

Your committee are specially instructed to examine and report whether, in their opinion, the assignment made by the bank of its effects, amounts to a forfeiture of its charter. This is rather a question of law than facts; and we are aware that the facts in relation to the act itself, are already before the General Assembly.

The Real Estate Bank, so far as respects its rights, in our opinion, must be considered and treated as a corporation, whether public or private, we will not here pretend to decide. In the charter of said bank are stipulations, designed to benefit both the State and the corporation. The one granting certain privileges and advantages, and the other rendering some supposed adequate renumeration for such privileges. The State limited and prescribed the powers of the corporation; to go beyond is to violate; to omit performing a stipulation is a violation. In fine, a corporation must do and perform all its promises, and it must do it in the manner prescribed by its charter.

There is a sensible difference between the right to make an assignment by a corporation, and the effect which such assignment will have on its corporate existence. A corporation has full power to liquidate and settle its debts, if fairly done. It may convey in trust or assign its effects for that purpose; but then it cannot convey away its effects, and at the same time retain its chartered privileges. In this instance, without enumerating in detail the incapacity of the Trustees to keep the provisions of the charter, it will be seen that the assignment dispenses with the officers, makes no provisions for paying its notes in *specie* when presented, prohibits in effect specie payment; and no provision is made for reporting to the General Assembly its condition. All these are plain, positive requisitions of the charter, for which the State would have the right to take from the corporation its further exercise of privileges under the charter.

Your committee are, therefore, of opinion that the Real Estate Bank, by its act of assignment, forfeited its right to corporate existence. All this, as well as the other acts enumerated by your committee, are to be examined; the evidences heard, and the question of forfeiture determined by some disinterested arbiter between those who charge acts of violation, and those who deny them. The power of determining whether a corporation, in which private right is involved, has forfeited its charter, or not, belongs to the judiciary department of the State.

All of the above facts having been duly considered, your committee unhesitatingly express it as their opinion, that the conduct of the managers of the Real Estate Bank, from its earliest commencement to the present time, has been distinguished by a series of acts, in disregard and open violation of its charter; alike indifferent of the restrictions of the charter, its faith to the State, the honor and credit of the institution, and of the consequences which might result to the community; influenced principally by one motive, and one only, that of appropriating to themselves and the stockholders generally, the effects of the bank. That the contest of the stockholders for the further management and control of the assets of the bank, lately and still existing, is calculated still further to destroy public confidence in the institution, and depreciate its paper in the hands of the citizens of the State, and deserves the unqalified condemnation of the whole people of the State, and should be scrutinized and arrested in its progress.

For all and each of the instances of violated faith before enumerated, the charter of said Bank might and should long since have been adjudged forfeited.

That it is a duty which this General Assembly owe to the people whom they represent, to cause a forfeiture to be declared, to place the effects of the bank in the hands of responsible and faithful agents to be collected and preserved, to cause the circulation to be taken in, and the State indemnified against loss. All of which is most respectfully submitted.

JNO. FIELD, *Chairman*,
JAMES F. GAINES,
D. WALKER,
J. S. FICKLIN,
L. GIBSON,
GEORGE W. BAINES,
WM. H. GAINES,
H. FLANAGIN.

REPORT

OF THE INSPECTORS OF THE PENITENTIARY, FOR THE YEARS 1841 AND 1842.

To the General Assembly of the State of Arkansas :

The undersigned, Inspectors of the Penitentiary, in compliance with the law regulating their duties, respectfully beg leave to report:

That, upon entering on the duties of their office, they found the Penitentiary encumbered with a vast quantity of rubbish, the usual concomitant of buildings recently finished. There was no water for the use of the same, except what was hauled from a considerable distance. The underwood and brush grew up to the doors of the building, facilitating the escape of prisoners, of which several availed themselves.

The convicts, at that early period, were few, and were employed under the direction of the first agent, Mr. N. Faulkner, in removing the rubbish from, and cleansing the building. A well was then dug and walled up with stone; a considerable spot of ground adjoining cleared, enclosed, and planted for the use of the prisoners.

This clearing has been further extended under the succeeding agents ; a lofty plank enclosure made on the eastern side of the building, commanding and securing the principal entrance ; also a corn-crib, smoke-house, and other necessary out buildings.

A neat frame building for the agent, with a log one for the shoemaker superintending, have been erected outside of the plank enclosure, and a smith's shop within.

The number of commitments in 1841, amounted to seventeen ; in 1842, up to the date of this report, to four ; in all twenty-one. Eleven of which were for horse-stealing ; two for hog-stealing ; three for larceny ; one for rape ; two for murder ; one for involuntary manslaughter, and one for burglary ; total 21 ; six of whom have escaped, and one was pardoned by the Governor, for having given information of an intended rising and outbreak of the convicts, which leaves in custody fourteen.

During the administration of the present agent, Mr. James M'Vicar, the division of the labor contemplated by the act creating the Penitentiary, was first carried into full effect.

There are at present employed at their respective occupations, six shoemakers, two carpenters, two coopers, one tailor, one blacksmith, one cook, and one in ill health, in cleaning up the house and yard, and such other jobs as are suited to his strength. All these are white males.

The number of convicts being small, it was thought advisable to employ a physician only when needed, instead of by the year, which has resulted in a clear saving to the State of —— dollars; the physician's bill for a period of nearly eighteen months, amounting only to 227 50-100 dollars, including an operation for a fistula, for which fifty dollars was charged. There have been no deaths.

There has been drawn from the Treasury, for the various purposes connected with the support of the institution, during the superintendence of Mr. Faulkner, exclusive of his salary,		$550 90
Rec'd for sales of wooden ware, same period,		15 00
Total,		$565 00
There was expended during the same period,		516 08
Leaving a balance in hands of agent of		48 92
Of which there has since been received and paid over to the present agent, the sum of		40 00
Leaving a balance unpaid of		$8 92
The amount drawn from the Treasury during the agency of Col. Chas. Caldwell, including his salary for 3 mos., was		992 08
Amount arising from sales, for same period,		461 97
Total receipts,		1454 05
The expenses during same period, including salaries of agent, sub-agent, &c.,		1471 36
Leaving a balance due the agent,		$17 31
The services of the present agent commenced on the 9th February last, and up the period of this report, 31st Oct., 1842, he has rec'd from the inspectors the sum of		40 00
From the sales of lard and meal,		14 00
" " " " Shoes,		918 03
" " " " Coopers' ware,		308 46
" " " " Carpenters' do.,		284 13
" " " " Blacksmiths' do.,		24 25
Dolls.		1,588 87
Of this sum there has been rec'd in cash,	1295 05	
Due on book act.,	293 82	
		1,588 87
There has been paid by the agent, the sum of		1329 48

Exceeding his cash receipts,	34 43
The receipt for the shoemaker's account, including stock and tools on hand, amount to	1570 41
The expenses, including salary of foreman,	1547 12
Leaving a nett profit of	$23 29
The sales of coopers' ware, with the stock on hand, amount to	413 46
Expenses, including the salary of foreman,	334 15
Leaving a nett profit of	$79 31
The sales of carpenters' ware, with stock on hand,	609 13
Expenses, including wages,	508 18
Leaving a nett profit of	$100 95

The smiths' shop having been in operation but one month, no correct calculations can be made of its future usefulness. The profits have been estimated at $14 87 for the month.

The profit on the labor of the convicts up to this period is necessarily small; (many of them having first to learn a trade before working at it) ; and the exhorbitant price paid for materials, in consequence of the depreciation of the currency, rendered it still less.

It may not be improper in this place, to recommend to the consideration of your honorable body, the propriety of appropriating two or three thousand dollars in good funds, to the purchase of materials for the use of the workmen, as well as clothing and other necessaries for the convicts at first hands.

There never, perhaps, was a more favorable period than the present for such purchases. Prices are unusually low on all kinds of merchandize, whereby the profits on the labor of the convicts would be proportionably increased.

The inspectors would also further recommend the propriety of so modifying the law relative to the salaries of the turnkeys and under-keepers, as to allow them their board extra, while so employed.

The law, as it now stands, is silent on the subject ; but the inspectors, believing it to have been the intention of the Legislature in passing the law relative to salaries of the officers aforesaid, and finding it impracticable to secure the services of trustworthy and vigilant men, for a sum barely sufficient to pay their board, have acted on that supposition, and allowed their living from the common stock, in addition to their salaries. If they have erred in this, the necessity of the case must be their apology.

There is another subject, to which the inspectors would beg leave to call the attention of your honorable body; to wit, the situation of discharged convicts.

This subject has been already presented in the report of the agent, Mr. M'Vicar, but its importance, in the view of the inspectors, justifies them in repeating it here.

No provision has by law been made for the discharged convict. When his time expires, he is turned loose upon society without a cent, and with the brand of infamy upon his person and character. No decent person will harbor or employ him, and he is drawn by necessity to the commission of crimes, from which a small sum of ready money might have saved him, by giving him the means of removal to some distant place, which the knowledge of his crime and punishment had not reached, and where the trade he would have acquired would enable him to earn his subsistence by honest labor.

We believe it to be the custom in those States where the penitentiary system has reached its highest perfection, to task the convicts, and then to allow them the proceeds of their extra labor, of which a correct account is kept by the agent: or they are required to work a certain number of hours for the institution, and if they choose to work extra time, they are credited for it by the agent, at a stipulated price, and the amount due them, under either arrangement, is paid them on their discharge. Either mode would answer the end proposed.

JAMES DE BAUN, *Chairman P. I.*
L. J. REARDON,
H. F. PENDLETON,
E. WALTERS,
Inspectors of the Penitentiary.

5th Jan'y, 1843.

REPORT OF

THE SELECT COMMITTEE ON THE PENITENTIARY.

The select committee, whose duty it was to visit the Penitentiary, have performed the duty assigned them, and have instructed me to report, that their attention, in the first place, was directed to the number of convicts confined in that receptacle of crime and disgrace. Your committee were shown fifteen males, whose appearance satisfactorily indicated that they were treated with humanity. Upon the examination of the cells, your committee were of the opinion that the prisoners should have an additional blanket each, to render them comfortable during the night. It is believed, likewise, that the kitchen floor should be laid with brick or stone, and that the passage and work-shops should have floors of plank, as they are quite damp, and will, as your committee conceive, ultimately produce disease.

In making inquiry into the means of moral and religious improvement of the convicts, your committee addressed a note to the Rev. W. W. Stevenson, who, they were informed, was most likely to be able to furnish the information desired, and received, in reply thereto, a communication, from which they take the liberty of making the following extracts:

Mr. Stevenson says: "On Lord's day, 23d Oct. last, by *special* permission, (obtained from the Governor, in reply to a note from myself, requesting permission,) I visited, for the first time, the State prison, for the purpose of teaching the convicts the duties and obligations of the *Christian religion*. It was my first visit; every one was strange to me, and I to them. Never shall I forget the impression made upon my feelings, at seeing these poor unfortunate men, and hearing their heavy irons clanking, as they descended from their cells to the place where we were to meet for the first time as speaker and hearers. The poor fellows looked more like criminals going to execution, than men taking their seats to hear the word of life. My first effort was to remove this feeling of shame and depression, regarding it as impossible to benefit them while they remained under such a state of feeling. If I am not very much deceived, they hear with some interest, and indeed some of them seem to manifest an interest more than mere complacency could produce.

"You will permit me, sir, to suggest, that every consideration urges it upon the present General Assembly to provide for the moral improvement of these poor fellows. Your honorable body stands to them in the relation of a parent or guardian, and upon you devolves the honor and pleasure of devising such means as will reclaim the guilty, and prepare them to take their stand in society, when their term of service shall expire. In effecting this object, strict attention must be had to the moral constitution of man, and especially that universal susceptibility to kindness. Just in proportion that men become indifferent to the opinion of their fellow men, are they prepared for the violation of the laws, social and civil. No man was ever bettered by being made to feel that he is degraded. We are social beings, and must have society: if we are degraded and cast out, we seek kindred spirits, with whom we unite, not for the better, but the worse. Such men feel to be Ishmaelites to the rest of mankind, and make it a kind of conventional virtue to oppose all but those of their own class. If a man should serve five years in your penitentiary, in "*chains*," to know nothing but to obey the peremptory order of a *turnkey*—no mother, wife, sister or daughter, or friend, to soothe the anxiety of a troubled spirit, or inspire the mind with heroic fortitude under conscious degradation, what must his moral condition be, on again returning to society? Every man at all acquainted with the human character, must know that such a being is a fit companion for the depraved, abandoned, and degraded.

"The officers about the prison should be selected with reference to this great object, as well as their ability to keep the prisoners safe. Every circumstance that would tend to cherish a feeling of degradation or ill nature, should be carefully avoided, so far as it can be done compatible with their safety. They should have weekly religious instruction, and each one furnished a Bible and hymn-book. Singing soothes the soul—has a powerful tendency to soften the temper.

"Permit me, sir, in the close of this hasty sketch, to remark, that the security of the prison will very much facilitate the moral instruction of the convicts. So long as there is a hope of escape, the mind will dwell upon that, as the gaining of the chief good in life. The hope of escape will tempt men to commit acts that they would not do under other circumstances."

Your committee feel it due to the Rev. Mr. Stevenson, to tender him their thanks for his disinterested attention to the eternal welfare of the convicts, and particularly for eleven Bibles, which he has gratuitously furnished them. Your committee believe that the elements of reform and amelioration exist in the moral organization of every human creature, however abandoned and degraded, and that no reasonable means should be denied, that would give a fair trial of the experiment. It is, however, probable that there will be some whom no kind offices can move, and whose minds cannot be reached by any influences that can be brought to bear upon them; but it is believed in very many instances, and it is hoped in a majority of the whole, an affectionate attention to their wants, sympathy in their afflictions, advice and counsel, faithfully and affectionately given, suited to their condition, and religious instruction, produce habitually a very salutary effect. It is believed that corporal punishment should never be resorted to, till all milder means have failed. The officers and convicts have both inviolable rights: it is the right and duty of officers to govern with humanity, firmness, and authority: the prisoners have the right to be treated with humanity. Absolute power—unlimitable power, are inadmissible in the exercise of any office among us.

Your committee earnestly recommend the propriety of allowing those who have given evidence of reformation, a part of the profits of their labor, and that the badges of disgrace be taken from all such. It is also recommended that each convict, at his discharge, should have a sum of money given him, sufficient to convey him beyond the theatre of his disgrace, where he can be enabled to form a new character, and acquire the confidence of the community around him.

Your committee would therefore recommend the adoption of the accompanying joint resolution.

All of which is respectfully submitted.

GEO. CLINE, *of Washington.*

REPORT

OF THE COMMITTEE ON THE RESOLUTIONS OF MR. FIELD.

Mr. Speaker—The joint select committee, appointed under Mr. Field's series of resolutions, to whom was referred, as the subject of special enquiry and report, the subject of the sale of 500 State Bonds to the Secretary of the Treasury of the United States, for and on account of the Smithsonian legacy, have had the same under consideration, and have instructed me to submit the following report as the result of their investigation:

The first enquiry under the resolution is, "What amount of bonds were sold by the agents of the Real Estate Bank, to the Secretary of the Treasury of the United States, for and on account of the Smithsonian legacy?" and, second, "Who were the agents or commissioners to dispose of said bonds?" From documents herewith transmitted to the House, it will be perceived that the number of bonds sold was 500 of $1,000 each; and that Messrs. Ambrose H. Sevier and Thomas T. Williamson, were the agents or commissioners to dispose of the same. The third branch of enquiry is, "What kind of funds were received upon said bonds?" From evidence before the committee, and accompanying this report, it will be seen that the bonds were disposed of for a credit in the North American Trust and Banking Company in the city of New York, equal to the amount of bonds sold, in gold or silver, at that place. The fourth branch of enquiry is, "Whether said funds were paid over to the bank, or placed to her credit in the eastern cities, in kind, or whether they were converted into other funds." In answer to this enquiry, your committee have to state that, from the account of the commissioners with W. W. Corcoran, a broker in the city of Washington, (which account accompanies this report, marked B,) it appears that the sum of $283,204 22, was converted by said Corcoran, into southern and western funds, at various rates of discount and premium, making the amount so invested equal (as they supposed) to the sum of $292,534 90, or an advance of $9,330 68. And that the further sum of $179,005 67 was, in like manner, invested in southern and western funds, by Thos. B. Lee, a citizen of New Orleans then in New York, which is equal to the sum of $186,777 and 73-100, or an advance of $7,772 06; all which appears from the account or statement of said Lee, herewith transmitted, and marked C. For a more particular and specific exhibit of the various kinds of western and southern funds, into which the proceeds of said bonds were converted, your committee would respectfully direct the attention of the House to the receipt of A. H. Davies, then President of that bank, which is made a part of this report, and is marked D. The fifth branch of enquiry is, "Whether said commissioners had any authority or power invested in them by the agency, to make such investment ?" Your committee are of opinion, from a careful consideration of the instructions given the commissioners, as well as the resolution of the central board, upon which the instructions were predicated, that no power or authority thus to dispose of the bank's capital, could be derived from any just construction of the powers conferred; but, on the contrary, are necessarily forced to the conclusion that the exercise of such power by the commissioners, was a direct and palpable violation both of the spirit and letter of the powers conferred by the resolution of the central board, and the instructions of the committee. That this branch of the subject may be more clearly understood, it may be proper here to enter into a more detailed analysis of the design, object, and tendency of the agency, and the instructions given the commissioners. The object, then, of the first moment to the bank and the people of the State, was the conversion of the State Bonds into banking capital as speedily as practicable, having due reference to the kind of funds which should be received for them. Every movement, therefore, of the commissioners, which tended to the consummation of this cardinal object, was evidently within the legitimate sphere of their duties ; and when once accomplished, it is equally evident that those powers, duties and requirements ceased. It may be justly asked, then, by what authority the commissioners thus transcended the proper limits of their powers and instructions, in drawing out of the N. A. Trust and Banking Company, upon their individual checks, the *specie* credit obtained therein ?

The committee are of opinion that the conversion of the State Bonds into *specie* or eastern credits, by the commissioners, was a consummation beyond anything anticipated by the bank, or contemplated in the instructions. It was a full and thorough accomplishment of all that was or could be desired by the bank, and even more than was hoped for. And had the commissioners closed their labors at this point, the bank would have accorded to them its profoundest acknowledgments, and the country its deepest gratitude and respect ; and the embarrassments and utter destruction of that institution, which resulted as a necessary consequence of this oversight or indiscretion on the part of the commissioners, together with other causes not connected with this transaction, the wide spread and irretrievable disasters, which, through the downfall of that institution, have pervaded and still spread like a sweeping pestilence over the whole extent of our once prosperous State, would have been averted. It is extremely questionable whether this extraordinary departure, on the part of the commissioners, from the legitimate scope of their instructions, had for its object the advancement of the interests of the institution itself, or of the country at large ; for the maintenance of such a position would necessarily assume for its premise, by pre-supposition, a degree of ignorance and stupidity, unparalleled in the annals of financiering, from Maine to Mississippi. The most rational conclusion, then, is, that the commissioners had some object in view beyond the promotion of the great interests of the bank—some interest staked in the venture, which, though not prominently developing itself upon the face of their transactions, yet resulting as a necessary and inevitable inference, to be drawn from the very nature and character of their own showing. The next enquiry under the resolution is, "Whether said agents retained and appropriated to their own use any amount or amounts in *gold* or *silver* of such funds, and in what manner and kind of funds such amounts were paid in, or whether paid at all ?" In answer to the first member of this branch of enquiry, your committee would state that the commissioners did retain and appropriate to their own use certain amounts of said funds, as follows, viz : A. H. Sevier retained the sum of $14,300, and Thos. T. Williamson retained the sum of $14,094, a part of the engraver's bill of $21,143 37, for which he executed his individual note at six months, and upon which the bank has since been sued, and judgment obtained in the circuit court of Pulaski county, and is now suspended in the Supreme Court upon a supercedeas.

Should the judgment of the circuit court be hereafter confirmed, the bank will have the whole amount of the $14,094, together with interest and cost, to pay. The whole of which would then be due said bank, from Thos. T. Williamson, one of said commissioners. As regards the second member of this branch of the enquiry, as to the manner and kind of funds in which those amounts were settled, it will be proper to state that the amount retained by A. H. Sevier, together with the interest and premium, was settled by note upon stock account, some seven or eight months afterwards. In addition to the above amounts thus appropriated and used, it appears from the statements and accounts rendered by the commissioners, that they loaned to Peter Hanger, in the City of New York, the sum of 4,000, and to Chester Ashley, $2,000 ; to Jas. L. Dawson, 2,050, and to L. Reardon, 1,000 ; making, in the aggregate, the sum of nine thousand and fifty dollars, for which, (with the exception of Peter Hanger's debt of $4,000,) the receipts of those gentlemen were turned over to A. H. Davies, Prest., as cash. As to the authority of the commissioners thus to use and dispose of the means of the bank, there can be but one opinion. So far from finding anything in the resolution of the central board, or the instructions given under that resolution, giving sanction or authority to such a course, we find every thing, both in their spirit and letter, to inhibit so gross and glaring a breach of trust and good faith, as stands so conspicuous in the conduct of these commissioners.

It may be urged that the commissioners were stockholders, and therefore, entitled to the respective amounts used by them, as a portion of their stocks. To this it may be replied that, though they were stockholders and would have been entitled to their respective pro-rata, under a proper dispensation of the board of directors, yet as the agents of the corporation, entrusted with the high, important and responsible duty of selling the State Bonds, they had no right, deducible from their character and powers, as such, to erect themselves into a directory, for the purpose of distributing the funds, or any portion of them, among themselves and others.

If they had the power and right, thus to distribute a portion of the proceeds of the bonds, they unquestionably had an equal right to appropriate to their own use, and to lend out to others, the entire amount of funds which they received. It is also ascertained, from the books of the bank, and evidence before the committee, that A. H. Sevier had, at the time he used the $14,300, awarded to him by the central board 300 shares of stock in said bank, but had not, nor has he since perfected his stock. It is further shown to the committee, that, by an order of the central board, stockholders were then entitled to draw from the bank one-third of the amount of their stock, which would have entitled Col. Sevier to receive the sum of ten thousand dollars; thereby showing, that under the most favorable view that can be taken of this conduct on the part of this commissioner, he actually retained four thousand and three hundred dollars more than was then allowed to other stockholders. It is shown to the committee, by documents accompanying this report, that the commissioners allowed to W. W. Corcoran, one per cent. upon the whole amount of the bonds amounting to $5,000, for negotiating the sale with the Secretary of the Treasury of the United States, and retained for themselves the like sum of $5,000, two thousand dollars of which was paid to A. H. Sevier, and three thousand to Gen. T. T. Williamson, thus making the investment alone cost the bank the round sum of ten thousand dollars. Thus it will be seen, that the commissioners employed at an exhorbitant rate, the services of Corcoran to effect a sale or investment of the bonds, when they themselves received each the amount above stated for the identical services rendered by Corcoran. A solution of this conduct on the part of the commissioners, results necessarily in the conclusion, that they employed Corcoran to effect what their duty required them to do, and paid him one per cent., or $5,000, for so doing, and received themselves each $2,000 and $3,000, merely for the trouble of enlisting the invaluable services of this distinguished broker. How far such conduct may be justifiable, or how far it is to be regarded as an acknowledgment, on the part of the commissioners of their own utter incompetency to discharge the high and responsible duties devolving upon them, is a matter which your committee are disposed to leave for the determination of the unbiassed judgment of this House and of the country. It is also shown by the account of W. W. Corcoran, that his services were subsequently engaged in converting a portion of the credit in the North American Trust and Banking Company into southern and western funds; but we find no allowance made him for this service. It in like manner appears, from the accounts before referred to, that one Thos. B. Lee, of New Orleans, was engaged to perform like services; that he sold $179,005 67 of the Bank's capital for $186,777 73, in southern and western funds, for which no direct compensation was given, so far as can be ascertained from the account current of the commissioners, or from the accounts of said Corcoran and Lee.

It would naturally be asked, did those gentlemen devote their time and attention to the important interests of the bank and the State? Did they perambulate the streets of New York and Washington cities, from day to day? Did they assume the important and weighty responsibility of acting as money changers for these commisioners, for no other consideration than the exquisite pleasure and gratification to be derived from counting, from day to day, the rolls of bank bills or money which were passing through their hands, or for the exalted honor of acting as sub-agents or commissioners? The only rational response to these enquiries, must be that they must have received something more substantial than the mere evanescent gratification of doing something for nothing. It may be proper here to state, that the whole amount of premiums accounted for to the bank but little exceeds three per cent. upon the nett amount of the proceeds of the bonds, and that it is proven before the committee, that southern and western bank paper was, at the time the exchange was made, at a discount of from two to twelve and a half per cent. in the city of New York. What then are the conclusions to be drawn from the premises just stated? The conviction irresistibly impresses itself upon the mind, that these brokers must have received a fair proportion of the dividends or premiums derived from the investment, and thus amply compensated themselves for all the drudgery and service performed.

How far the commissioners participated in the emoluments of this speculation, we leave to be determined by this house and an enlightened people.

With a brief recapitulation of the facts evolved in the course of this investigation, your committee will close this report. First, then, it is shown that Messrs. Sevier and Williamson were the commissioners to dispose of the bonds. Second, that they received for them their par value of $500,000 in *gold* or its equivalent. Third, that, after receiving it in the above description of funds, they converted it into southern and western bank paper, at an average discount of about three and a half per cent., when such funds were from two to twelve and one half per cent. under par in the city of New York. Fourth, that the commissioners loaned to sundry individuals various amounts of the funds, and retained a considerable portion for themselves. Fifth, that they paid five thousand dollars to W. W. Corcoran, and to themselves the same amount, for negotiating the bonds. Sixth, that the conversion of the funds, the appropriation of a portion to their own use and that of others, was unauthorized by the instructions given them, and in direct violation of the high trust reposed in them. Seventh, that the result of their conduct was most fatally disastrous to the interests of the institution and of the State.

DAVID WALKER, MARK BEAN,	*Members of the Senate.*
JOHN FIELD, *Chairman*, GEO. W. BAINES, WM. H. GAINES, J. F. GAINES, H. FLANAGIN, L. GIBSON, A. W. ARRINGTON.	*Members of the House.*

CENTRAL BOARD OF THE REAL ESTATE BANK OF THE STATE OF ARKANSAS, *met January* 31*st*, 1838.

On motion of Mr. Davies, the following resolution was adopted:

"Whereas, in the opinion of this board, every exertion should be made to commence the operations of the Real Estate Bank, with as little delay as possible, and that a portion of the bonds of the State, bearing such rate of interest as will insure a sale, should be sent immediately into market, for the purpose of procuring the necessary amount of specie, on which to base a circulation of the paper of the institution :

Therefore, be it resovled, That the necessary measures be now taken to obtain from the Governor five hundred thousand dollars of the bonds of the State, bearing six per cent. interest, and have the same sold and invested in specie, and such other eastern funds as will be best calculated to meet the wants of the community, and support the credit and interests of the Bank ; and that the principal bank at Little Rock be put into operation with as little delay as possible, for the purpose discounting on individual responsibilities only, until otherwise ordered by the board.

[COPY.]

Washington City, March 18*th*, 1838.

DEAR DAVIES—I received the last evening, by the express mail, via New Orleans, your letter of the 3d March, which is the only letter I have had from you since I saw you. I had learned from a letter from Stevenson, that Col. Walworth had resigned, and that the directors elected me in his place to dispose of our bonds, in connection with Col. Williamson. His letter, which was dated in February, (the 6th I believe), is the only intelligence I have had upon the subject. It is truly a great misfortune that both of our banks are so slow in sending on their bonds. I could have sold *all* the bonds this wiinter, if I had had them. Every day increases the competition. Since last fall Michigan has passed a law to raise five millions, and her agents have been in the market for several weeks, and is supplying the demands for such stock. Tennessee, since the winter commenced, has passed a similar law for a similar amount, and her agents are also in the market; and so has Mississippi. Other States have bonds also to dispose of, viz: Indiana, Illinois, Missouri, Pennsylvania, &c. I will say to you, as I have to the directory of our State Bank, that it is no time to be "dilly dallying." If it be important to shut the mouths of our anti-bank adversaries, and to give character and stability to our bank, and render the country a service, send on *all* the bonds that you propose to sell, and I will agree to be taken for a fool, if I don't get them off by the 1st of July at par, and for at least ⅔ if not ¾ in specie, and the residue in eastern credits and eastern paper. Time is every thing, and the greater the delay, the worst for the institution.

I feel a great anxiety to get our banks into operation. I need not disguise to you, that I shall want all the facilities it can afford me, and that too at as early a day as possible, and for every dollar I want, I had rather have eastern paper, as my debts are at New Orleans, and in this quarter of the world.

The sales will have to be made to the brokers, and I shall have to give them pay to get us the cash out of the premiums. I suppose if I can get silver or gold, and ¼ in bank credits and eastern paper of solvent banks at par, I suppose the board would authorize us to give the brokers something out of the premiums, and I hope we can get premiums enough to pay all expenses, of commissions to brokers, freight and insurance upon the silver. I suppose your letter, to which the one I am now answering refers, has in it some instructions by which I am to be guided; and I shall close no contract until I get my letter, and when I do, I shall follow the instructions and make a sale without delay, binding myself for the delivery of the bonds by a given time. I will go to New York and Philadelphia for the purpose of selling, as soon as I get your letter, and don't be surprised if I have the contract made in a week from this time, if I get your letter in a day or two, and in a month from the delivery of the bonds, have $400,000 in specie on the way to Arkansas for our bank, and the balance in bank credits and eastern funds, if I should be authorized to do so. When I make the experiment, I shall write to you again and let you know whether further sales can be made, &c., &c.; and if they can, send on the bonds and I think we will soon have money enough to go ahead, and relieve every body that ought to be relieved.

Yours, &c., A. H. SEVIER.

ANTHONY H. DAVIES, ESQ., *Columbia, Arkansas.*

I certify the foregoing to be a true copy from the original on file in the office of the Trustees of the Real Estate Bank, at Little Rock.

THOS. W. NEWTON, *Cash. & Sec'y.*

6th Jan'y, 1843.

[COPY.]

New Orleans, March 24th, 1838.

MY DEAR SIR—My patience was pretty well exhausted before receiving our bonds, which came to hand on Thursday last. I have made every enquiry here which I thought would be material, and I am enabled, I think, to assure you that there can be no question of our effecting a sale of our six per cent. stock, unless the want of the *coupons* should be fatal to them. The Cashiers of both the Citizens' and Union Banks are of opinion that they cannot be disposed of without these dividend warrants are appended. The hope, however, that Col. Sevier may have made some arrangement with the Indian department for them, in which case it would not be material whether they were appended or not, has induced me to decide on leaving here in the morning, which was as early as I could dispose of the business required of me, and proceed without delay to the city of Washington. In matters of courtesy we have to make heavy drafts on our patience. I am induced to make this remark from the fact that I have delayed here two days, to get the necessary forms from the Union Bank; and have at last only procured such as were requisite for me to have. The mortgage which you wanted me to forward you is a very long one. The Cashier of the bank assured me he would have it copied for me. I called on two successive days, and it was not ready. I doubt very much whether it will be of much service to you. I have requested Mr. Lee to call again on Monday, and, should he get it, forward it to you.

I have had several very free conferences with Mr. Jas. Irwin, and I think I may be able to profit by his suggestions, as an owner of real estate in our State; he, in common with us, is anxious that a speedy sale should be effected. He made me no proposition. I thought, however, that he would be willing to take our bonds and pay the money in the currency of this place. No such proposition was made, but I am certain such arrangement could have been made. I barely mention this to assure you that *a sale can be effected.*

He thinks, however, we can get in New York, 101 or 2, which, with the profit on exchange between this place and *that,* would be equal here to 106 or 7; and I think from the recent determination of the banks to increase some three or four millions their circulation in this State, and the fact that a great portion of the cotton crop has already been disposed of, which is now a very convenient remittance, exchange on New York in sixty days from now will be at a premium of from 7 to 8; of which however Mr. Irwin will keep me advised.

You know my aversion to labor too well, to suppose me capable to the folly of copying; and I know your capacity to amplify too well, to induce me to be particular. I shall send this to you for what it is worth. My kindest respects to your lady and our friend Hanger, and accept for yourself my assurance of continued friendship.

TH. T. WILLIAMSON.

A. H. Davies, Esq., *Columbia, Ark.*

I certify the foregoing to be a true copy of the original letter on file in the office of the Trustees of the Real Estate Bank, at Little Rock.

6 *Jan'y*, 1843. THOS. W. NEWTON, *Cash. & Sec'y*

[COPY.]

Washington City, Oct. 27th, 1838.

Dear Sir—The enclosed letter from the Secretary of the Treasury, was forwarded to you at New York, on the 18th inst., as well as one from Messrs. Sevier and Davies, announcing a deficit of $4,000 in the package of N. Orleans Bank notes, received from J. Little & Co. Not hearing from you by return of mail, I immediately went on, when I found that the error had been made, as we all expected, by the Messrs. L.'s I enclose their draft on N. Orleans for the amount, payable thirty days after date, which is one per cent. better than bank notes. I design to make them pay interest, as well as my expenses to New York.

I regret that I did not see you before your departure for the west. I have no doubt that we could have arranged the matters formerly spoken of, to our mutual benefit. I shall be glad to hear from you occasionally, if you can find leisure to write. Should you have any other stock operations or banking transactions in Washington, I hope you will throw them in the way of your assured friend and ob't servt,

W. W. CORCORAN.

I have made the draft payable to A. H. Davies, Prest., and authorized him to open this letter should you not be at Little Rock.

To Thomas T. Williamson, Esq., *Little Rock, Ark.*

I certify the within and foregoing to be a true copy of the original letter on file in the office of the Trustees of the Real Estate Bank, at Little Rock.

6 *Jan'y*, 1843. THOS. W. NEWTON, *Cash. & Sec'y.*

Saturday, May 11th, 1839.

CENTRAL BOARD REAL ESTATE BANK.

Ordered, That the note of A. H. Sevier, dated this day, with Benjamin Johnson and Robert W. Johnson, as securities, having nine months to run from the 15th Dec., 1838, for the sum of $15,831 38-100, be discounted, the nett proceeds, amounting to $14,872, being intended to cover the balance remaining in the hands of said Sevier, as one of the commissioners to sell State Bonds, as shown by the account of said commissioners and of the finance committee.

I certify the foregoing to be a true copy from the record of proceedings of the Central Board of the Real Estate Bank.

THOS. W. NEWTON, *Cash. & Sec'y.*

Little Rock, 18*th Nov.*, 1842.

THE EXAMINATION of Thomas W. Newton, Esq., Cashier of the Real Estate Bank of the State of Arkansas, who was called before the Committee, and being first duly sworn, deposed and made answer to the following interrogatories, to wit:

Question 1. From your knowledge of, and intimacy with, the internal concerns of the Bank, could you state to the committee whether the conversion of the money (received on the 500 bonds,) into western and southern funds, conduced to the soundness, safety, and prosperity of the Bank, or did it have the reverse tendency?

Answer of Deponent. I do not think that the conversion, as mentioned in the question, conduced to the soundness or prosperity of the Bank, *but undoubtedly the reverse.*

Question 2. Were those western and southern funds, which were purchased by Sevier and Williamson, known to be unsound at the time of said investment, or did the loss which accrued to the Bank happen in consequence of the delay of the Bank to dispose of them until the institutions where payable suspended specie payments; and did the central or local board approve or disapprove of the act?

Answer. I cannot speak of the unsoundness of the money purchased by the Commissioners, further than is shown by the list returned by the Broker. The western and southern money received by the Bank, was loaned out as speedily as possible, some of which is now on hand. The records of the Central Board show that the accounts of the Commissioners were received and spread on the minutes of that board.

Question 3. Did the Board express their approbation of the settlement with the Commissioners, by either order or resolution upon their minutes; or did they merely receive and recognize said settlement?

Answer 3*d*. There is no distinct resolution of the Central Board, that I have been able to find, expressing any approbation of settlement of the account.

Question 4*th*. State to the committee whether or not the $500,000 deposited in the North American Trust and Banking Co., in the city of New York, by the Commissioners, was equal to the same amount here in gold or silver, with the addition of 2½ per cent. on the same.

Answer to question 4*th*. The bank sold exchange on New York, after the sale of the 500 bonds at 2½ per cent. premium in *specie.*

Question 5th. What did the bank charge at that time for eastern exchange, in Arkansas bank paper—State Bank or Real Estate Bank?

Answer to question 5th. The eastern exchange was sold at 2½ per cent. premium for specie or its equivalent, the State or Real Estate at Little Rock being taken at par.

Question 6th. At the time Col. Sevier and Gen. Williamson retained the $14,000 each, in the city of New York, had they, or either of them, perfected their stock in the R. E. Bank; and if so, what amount or proportion were stockholders allowed to draw upon their stocks.

Answer to question 6th. Sevier was a subscriber for 300 shares of stock, which has never been perfected, so far as I can ascertain from the books of the bank. Williamson was a subscriber for 130 shares in his own name, and 250 in the name of Picket and Williamson.

I cannot state whether it was perfected in 1838 or not. The amount allowed by discount to stockholders on the opening of the bank, was ⅔ of the amount of the credit they were entitled to under the charter.

THOS. W. NEWTON.

[COPY.]

Messrs. T. T. Williamson and A. H. Sevier, Commissioners, in account with W. W. Corcoran, Washington.

Dr.	*Funds.*	*Dis.*	*Amount.*	*Credits.*	*Costs.*
To		*per cent.*			
New Orleans notes,	2,575	4	103		2,472
do	585	4⅝	27 05		557 95
do	40,900	4	1,636		39,264
Drafts,	16,400 59	3¾	615 01		15,785 58
do	2,378 77	3¾	89 19		2,289 58
do	6,847 36	3⅝	248 21		6,599 15
do	45,000	3½	1,575		43,425
Cincinnati Drafts,	20,721 87	1½	310 83		20,411 04
do	700	2	14		686
Natchez Drafts,	498	8¾	43 57		454 43
do	1,340 46	8	107 23		1,232 23
do	3,026	7¾	234 51		2,791 49
do	8,731 60	7½	654 87		8,076 73
Nashville Notes,	800	7	56		744
Tennessee,	4,203 60	6¾	283 74		3,919 86
Cincinnati,	11,592 63	1⅝	188 38		11,404 25
do	1,500	1¾	26 25		1,473 75
do	1,500	1½	22 50		1,477 50
do	13,800	1¼	172 50		13,627 50
do	20,686 13	1⅓	258 57		20,427 56
do	250		4		246
Louisiana,	1,067	4¾	50 69		1,016 31
do	300	3½	10 50		289 50
do	1,105	3¾	41 43		1,063 57
Mississippi,	669	7½	50 17		618 83
do	7,740	7¼	561 15		7,178 85
do	3,700	7¼.	268 25		3,431 75
$300 do	6,200	7⅜	457 25		5,742 75
int. $8 55 do	308 55	7	21 60		286 95
do	10,600	7¼	768 50		9,831 50
do	2,501 60	7	175 11		2,326 49
do	2,826 74	7⅞	222 62		2,604 12
Arkansas,	330	10	33		297
Treas.'s ch'k on L'ville	29,500				29,500
Ch'k on N A T Co.,					233,445 78
Cr. By sale of 500	$270,884 90		$9,330 68		
Ark. bonds, at $1,000				500,000	
Less 1 pr. ct. commis.				5,000	
				$495,000	$495,000

W. W. CORCORAN.

E E. New York, Sept. 19th, 1838.

The interest on the five hundred bonds sold to the Secretary of the Treasury, from the date to the day of sale, will, when received by me, be paid to Messrs. Sevier and Williamson, commissioners.

Sept. 19*th*, 1838. W. W. CORCORAN.

I certify the above and foregoing to be truly copied from the original paper on file in the Real Estate Bank, by order of the committee.

THOS. W. NEWTON, *Cash. & Sec'y.*

25*th November*, 1842.

[COPY.]

Messrs. T. T. Williamson and A. H. Sevier, Commissioners, in account with W. W. Corcoran.

Dr.	*Funds.*	*Dis.*	*Amount dis'ct.*	*Costs.*
To				
New Orleans notes,	2,575	4	103	2,472
do	585	4⅝	27 05	557 95
do	40,900	4	1,636	39,264
Drafts,	16,400 59	3¾	615 01	15,785 58
do	2,378 77	3¾	89 19	2,289 58
do	6,847 36	3⅝	248 21	6,599 15
do	45,000	3½	1,575	43,425
Cincinnati Drafts,	20,721 87	1½	310 83	20,411 04
do	700	2	14	686
Natchez Drafts,	498	8¾	43 57	454 43
do	1,340 46	8	107 23	1,233 23
do	3,026	7¾	234 51	2,791 49
do	8,731 60	7½	654 87	8,076 73
Nashville Notes,	800	7	56	744
Tennessee,	4,203 60	6¾	283 74	3,919 86
Cincinnati,	11,592 63	1⅝	188 38	11,404 25
do	1,500	1¾	26 25	1,473 75
do	1,500	1½	22 50	1,477 40
do	13,800	1¼	172 50	13,627 50
do	20,686 13	1¼	258 57	20,427 26
do	250		4	246
Louisiana,	1,067	4¾	50 69	1,016 31
do	300	3½	10 50	289 50
do	1,105	3¾	41 43	1,063 57
Mississippi,	669	7½	50 17	618 83
do	7,740	7¼	561 15	7,178 85
do	3,700	7¼	268 25	3,431 75
do	6,200	7⅜	457 25	5,742 75
do	308 55	7	21 60	286 95
do	10,600	7¼	768 50	9,831 50
do	2,501 60	7	175 11	2,326 49
do	2,825 74	7⅞	222 62	2,604 12
Arkansas,	330	10	33	297
Draft of Treasurer U. States on Louisville,				29,500
J. L. Dawson's note,				2,050
L. Reardon's do				1,000
C. Ashley's do				2,000
Jno. M. Moore's order on Land Office,				300
Also this sum in New York funds,				16,300
				$285,804 22

(Signed) A. H. SEVIER,
TH. T. WILLIAMSON,

Statement.	*Am't of funds.*	*Discount.*	*Am't of discount.*	*Cost in other funds.*
	$ 292,534 90		9,330 68	283,204 22
		Error in addition of cost		2,600
				$285,804 22

Have this copied,
WILLIAMSON.

I certify the foregoing to be truly copied from the original paper on file in the Real Estate Bank, by order of the committee.

25th November, 1842. THOS. W. NEWTON, *Crsh. & Sec'y.*

(COPY.)

This investment was made by Thos. B. Lee, for Thos. T. Williamson, Commissioner of the Real Estate Bank of the State of Arkansas.

	Amonnt purchased.	*Rate of dis'ct.*	*Am't of dis'ct.*	*The am't paid.*
Kentucky,	32,790 18	1¾	573 82	32,216 36
do	4,000	1½	60	3,940
do	1,522	1¾	26 64	1,495 36
Mississippi,	63,185 78	7¾	4,896 90	58,288 88
New Orleans,	42,543 77	2¾	1,169 97	41,373 80
do	10,000	2⅜	237 50	9,762 50
do	3,670	2½	91 75	3,578 25
do	20,850	2¼	469 12	20,380 88
do	6,876	2¼	154 71	6,721 29
Arkansas,	440	9¾	42 90	397 10
do	170	9¼	15 72	154 28
do	60	3	1 80	58 20
do	30	2¾	83	29 17
Tennessee,	640	4¾	30 40	609 60
	$186,777 73		$7,772 06	$179,005 67

In addition to the above, I have $16,000 in checks on New Orleans, received from Col. W. I have received in addition to the above, $71,993 72 in New Orleans money, from A. H. Davies. I have delivered $10,480 66 of the Kentucky money, and $63,185 78 of the Mississippi has been handed to A. H. Davies, Esq., and $26,309 52 of the Kentucky money has been deposited in the Bank of Kentucky to the credit of the Real Estate Bank of the State of Arkansas, and $1,522 of the Kentucky money has been handed to Col. Williamson, together with $700 in Arkansas State Bank, and $640 in Tennessee.

(Signed), THOS. B. LEE.

8th November, 1838.

I certify the foregoing to be truly copied from the original paper on file in the Real Estate Bank, by order of the committee.

THOS. W. NEWTON, *Cash. & Sec'y.*

25th November, 1842.

[COPY.]

Rec'd, Louisville, October 8th, 1838, from Messrs. Thomas T. Williamson and Ambrose H. Sevier, Commissioners, by the hands of the latter, the following funds, being an investment made by them out of the proceeds of the sale of five hundred bonds, of one shousand dollars each, of the State of Arkansas, sold for account of the Real Estate Bank of the State of Arkansas:

LOUISIANA FUNDS, VIZ:

Certificate of deposite of the Bank of La. to order Liggett & Fox, (Br. at Alexandria,)			$1,067 00	
Certificate of deposite,	do. do.	Gravely & Marks,	318 43	
Do. do.	do. do.	N. Lockwood,	350 00	
				1,735 43
Do. do.	Citizens' Bank, La.,	C. M. Connelly,	500 00	
Do. do.	do.	Jas. Van Dyke,	800 00	
Do. do.	do.	J. Button & Co.	115 00	
Check F. W. Edwards, Cash'r, on	do.	D. Taylor & Son,	709 37	
Do. do.	do. do.	do.	698 62	
Certificate of deposite,	do.	Henry Leber & Co.	1,500 00	
				4,322 99
Do. do.	Canal & Bk'g Co.,	Elliott, Babcock & Burnap,	437 40	
Do. do.	do.	Wm. W. Lyon & Co.	1,500 00	
Do. do.	do.	Sam'l Van Wyck & Co.	633 96	
Do. do.	do.	Beverly, Snyder & Co.	702 50	
Do. do.	do.	Trowbridge, Dwight & Co.	7,000 00	
Do. do.	do.	Conner & Cooke,	171 00	
Do. do.	do.	H. Mendell & Co.	222 75	
Do. do.	do.	G. P. Hewett,	269 93	
Do. do.	do.	J. A. Horton,	367 50	
Do. do.	do.	Trowbridge, Dwight & Co.	300 00	
Do. do.	do.	Levi Cook & Co.	300 00	
				5,905 04
Do.	Atchafalaya R. R. & B. Co.	Smith & Voorhees	570 34	
Do. do.	do.	do. do.	100 00	
				670 34
Check Br. St. Bk. Indiana at N. Albany, on	Union Bk. La.		71 03	
Certificate of deposite,	Union Bk. La.,	Patten, Donegan & Co.	2,000 00	
Do. do.	do.	do.	2,000 00	
Do. do.	do.	J. F. Cornell,	2,500 00	
Check, A. S. Frazier, Cash'r.	do.	Sam'l Brown,	371 00	
Do. Walter Mead, Cash'r.	do.	Bugh & Amrulaney,	180 44	
Certificate of deposite of Union Bk. La. order of Ch's N. Mills.			300 00	
				7,422 47
Do.	Mechanics & Traders' Bank, order of	J. B. Mitchell & Co.		232 36
Do.	Commercial Bank, order of	Blackwell, Thorn & Co.	1,000 00	
Check, M. Leonard, Cash'r, on	Com. Bk.,	J. & G. Books & Co.	502 04	
Certificate of deposite,	do.	Taylor & Hudson,	305 25	
Check, M. Leonard, Cash'r,	do.	do.	746 38	
Certificate of deposite,	do.	M. Waldo,	200 00	
Do. do.	do.	Norman, Steele & Co.	300 00	
Check, M. Leonard, Cash'r,	do.	O. T. & J. Hewlet,	400 00	
				3,453 67
Certificate of deposite,	Bank of Orleans,	J. S. Gregory,	500 00	
Do. do.	do.	A. Morrill & Co.	125 00	
Do. do.	do.	Wm. Wells,	200 00	
				825 00
Do.	Carrollton R. R. Bank,	Thomas C. Moore,		529 84
Do.	Exchange & Banking Co.	Wm. Gardner & Co.		75 72
		Amount carried over,		$25,182 86

Amount brought over,		$25,182 86
Certificate of deposite, City Bank N. O., J. M. Whitehead,	734 77	
Do. do. do. Stokes & Co.	173 37	
Do. do. do. Haydock, Corlies & Co.	212 72	
Do. do. do. N. C. Folger,	400 00	
		1,520 86
Draft, Sam'l Toby on Tho's Toby & Brother,	300 00	
Do. Jacob Little & Co. on Horace Bean & Co, W. W. Corcoran,	25,000 00	
Do. do. do. do. do.	20,000 00	
		45,300 00
Total drafts, checks, and certificates of deposite,		$71,993 72
Cash, viz. 1 bundle, containing,	585 00	
1 do. do	2,575 00	
1 do. do.	1,105 00	
		4,265 00

1 package, marked and labelled as containing 40,900 dollars, which, on examination, was found to contain only 36,900 dollars, in 18 several parcels, as follows:

1,200 500 500 2,000 1,000 700 1,900 500 1,000 5,000 5,000 5,000 5,000 1,000 1,000 1,000 1,700 2,900	say,	36,900 00

The parcel containing 2,900 dollars was marked 6,900.

Total Louisiana funds,		$113,158 72

In MISSISSIPPI FUNDS, as follows, viz:

Check, A. S. Frazier, Cashier 7th Ward Bank, N. York, on Planters' Bank, Vicksburg,		2,501 60	
Check, Jacob Little, on Planters' Bank, Natchez,		900 00	
Certificate of deposite, order Geo. Poindexter, Pl. Bk. Natchez,		850 00	
Do. order H. & F. A. Trowbridge, Com'l Bk. do.		498 00	
Do. " Dwight & Trowbridge, do. do.		1,340 46	
Do. " J. R. Burke, do. do.		500 00	
Do. " J. King, do. do.		500 00	
Do. " Smith & Wright, do. do.		2,470 00	
Do. " E. A. Mitchell, do. do.		278 00	
Do. " H. Janeson, do. do.		500 00	
Do. " do. do. do.		1,000 00	
Do. " W. H. Kelly, do. do.		3,400 00	
Do. " Lynd Dowell, do. do.		202 00	
Do. " Huntingdon & Campbell, Agr'l Bk. do.		276 00	
Do. " George Potts, do. do.		881 60	
Do. " Geo. W. Tyson & Co., Com. & RR. Bank, Vicksburg,		300 00	
		16,397 66	
Draper, Toppan & Longacre, draft on Beaumont, Cashier Mississippi Shipping Company,		467 39	
Do. on E. F. Frazier, Cashier Mississippi Rail Road Co.		2,359 35	
Total drafts, checks, and certificates of deposite,		$19,224 40	
Cash, viz: 1 bundle containing	$289 1,000 6,200		
1 " "	10,600		
1 " "	5,725		
1 " "	1,015		
1 " "	380		
1 " "	3,700		
		28,909 00	
			$48,133 40

Amount brought over,		$161,292 12
In TENNESSEE FUNDS, viz:		
H. Trevor, Cashier, check on Union Bank of Tennessee, order H. Farran & Co.	1,389 84	
Do. do. do. do. do.	1,403 42	
Do. do. do. do. do.	1,410 34	
Cash, 1 package, containing	800 00	
		5,003 60
In ARKANSAS FUNDS, viz:		
Moore's check on Receiver Land Office, Little Rock,	300 00	
Cash,	330 00	
		630 00
In LOUISVILLE & CINCINNATI FUNDS, viz:		
Check, J. B. Trevor, Cash'r Phil. Bk. on Miami Expt. Co.	1,500 00	
Do. D. Thompson, Cash'r Bk. Amer. on Frank. Bk. Cinc'i.	13,800 00	
Do. J. Hodges, Cash'r Arcade Bk. Prov. on Com'l Bk. "	721 87	
Certificate of deposite, Ohio Life In. & Tr. Co. W. R. Johnson,	700 00	
Draft, J. Little & Co. on John Bates & Co., Cincinnati,	10,000 00	
Draft, do. do. do.	10,000 00	
Do. John Ward & Co. on H. H. Goodman & Co., do.	20,686 13	
Do. do. do. do.	11,592 63	
N. G. Ogden, Cashier, check on Bank Kent'y, Louisville,	1,500 00	
Warrant Treasurer U. S. on do. do. do.*	29,500 00	
Cash,	250 00	
		100,250 63
		267,176 35
James L. Dawson's receipt,	2,050 00	
L. Reardon's do.	1,000 00	
Chester Ashley's do.	2,000 00	
		5,050 00
		$272,226 35

Say two hundred and seventy-two thousand two hundred and twenty-six dollars and 35 cents.

(Signed duplicates),

A. H. DAVIES, *Pres't*

Real Estate Bank of the State of Arkansas.

Add Jacob Little's draft on H. Been & Co., N. Orleans, this latter received by mail,	4,000 00
	$276,226 35

I certify the foregoing to be truly copied from the original paper, on file in the Real Estate Bank.

By order of the Committee, 25th Nov., 1842.

THO'S W. NEWTON, *Cash'r & Sec'y.*

[COPY.]

Received from Thomas T. Williamson and Ambrose H. Sevier, Commissioners, the sum of nineteen hundred and ninety dollars in Arkansas notes, and the further sum of four thousand one hundred and forty dollars, in Peter Hanger's check on the Real Estate Bank, for $4000 advanced to him in N. York, and interest and premiums thereon—say the sum of six thousand one hundred and thirty dollars, in addition to amounts heretofore received and receipted for.

(Signed duplicates), A. H. DAVIES, *Pres't.*

Office Real Estate Bank, Little Rock, Dec. 15, 1838.

I certify the foregoing to be truly copied from the original paper, on file in the Real Estate Bank. By order of the Committee, 25th Nov., 1842.

THO'S W. NEWTON, *Cash'r & Sec'y.*

[COPY.]

The account of Th. T. Williamson and Ambrose H. Sevier, as Commissioners, was presented to the committee, and, on motion, ordered to be placed on the minutes, as follows:

Dr. *The Real Estate Bank of the State of Arkansas, in account with Th. T. Williamson and A. H. Sevier, Commissioners.* **Cr.**

1838	To cash paid over to A. H. Davies, Pres't, per rec'pt rendered	276,226 35	
	" do. transferred to N. Orleans and Natchez for deposite viz:		
	Mississippi, 63,185 78		
	Louisiana, 99,939 77		
	Louisville, 36,790 18	$199,915 73	$476,142 08
	" do. paid over in Ark's money,	1,990	
	" do. " " by P. Hanger in do	4,140	6,230
	" do. " draft A. H. Davies, Pres't, to pay expenses forwarding bonds,	500	
	" do. paid Rawdon, Wright & Hatch bill of engravings,	21,143 37	
	" do. paid Stationer's bill,	1,833 64	23,477 01
	" am't allowed by Central Board for services T. T. Williamson, $3,000		
	" do. do A. H. Sevier, 2,000		5,000 00
	" com. paid W. W. Corcoran for negotiation,		5,000 00
	" balance,		14,872 00
		Dolls.	530,621 09

1838	By proceeds of the sale of 500 bonds of $1,000 each to Hon. Levi Woodbury,		$500,000 00
	" premiums arising from the investment of do. as per account of W. W. Corcoran,	9,330 68	
	" do. " T. B. Lee	7,772 06	
	" do. " W. W. Corcoran,	566 85	
	" interest and premium on $4,000 advanced to Peter Hanger,	140	
	" interest and premium on $14,300 retained by A. H. Sevier, in New York,	572	
	" interest on deferred payment to Rawdon, Wright & Hatch,	422 87	
	" premiums received by Th. T. Williamson,	35 50	$18,839 96
Dec 15	This amount paid to Th. T. Williamson to refund advance made to Rawdon, Wright & Hatch, N. York, (see their bill),		11,781 13
		Dolls.	530,621 09
	By balance, being amount due from A. H. Sevier for funds retained in N. York, interest and prem. after deducting $2,000 allowed for services,		$14,872 00

(Signed) **TH. T. WILLIAMSON,** *Com.*

Little Rock, Dec. 15th, 1838.

Ordered, That the sum of eleven thousand seven hundred and eighty-one dollars thirteen cents, be paid to Th. T. Williamson, for advance made to Rawdon, Wright & Hatch, N. York.

I, Thomas W. Newton, Cashier and Secretary, do certify that the within account is correctly copied from the books of the Real Estate Bank, now in the hands of the Trustees, as well as the above order.

THOS. W. NEWTON, *Cash. & Sec'y.*

Little Rock, Nov. 16th, 1842.

Interogatories propounded before the Committee, to P. Hanger.

Inter. 1. Were you in the city of New York in the year 1838, when Gen. T. T. Williamson was there as one of the commissioners to sell State bonds, for and on account of the Real Estate Bank?

Answer. I was there in the month of Oct., 1838, as bearer of the bonds to T. T. Williamson.

Inter. 2nd. Will you state to the committee what was the current rate of discount about that time upon southern and western funds, in the city of New York?

I went with Thos. B. Lee, who was purchasing southern bank notes for T. T. Williamson, as commissioner, among the brokers on Wall street, upon several occasion, and as well as I recollect, the discount was from eight to fifteen per cent. I do not recollect that I saw any western bank notes purchased by Lee during the time.

Inter. 3. State to the committee whether you knew of any copartnership existing at that time between T. T. Williamson and T. B. Lee, either in conducting mercantile business, or in dealing in exchanges or the purchase of depreciated bank paper?

I know of no partnership of any kind between them.

Inter. 4. Do you know whether T. B. Lee was in the employment of T. T. Williamson in the purchase of southern and western bank notes?

I understood from Lee that he was employed by Williamson, but never heard him say any thing about the compensation he was to receive.

Inter. 5th. Did you hear Lee say any thing about the business connection existing between himself and T. T. Williamson, and whether said Williamson was indebted to him?

I heard Lee say repeatedly that Williamion was indebted to him for the payment of some drafts drawn on him (Lee) by T. T. Williamson, that had advanced the money to sustain his credit in New Orleans.

Did you mean to say, when you speak of southern and western funds, that Cincinnati and Louisville funds were at from eight to fifteen per cent. discount, and do you recollect whether or not the southern and western banks were not paying specie at the time you were in New York with T. T. Williamson; and please state to the committee whether you understood from T. T. Williamson and A. H. Sevier what their object was in converting the credit they, as commissioners of the Real Estate Bank, had, in the North American Trust and Banking Company into southern and western funds; whether the same was done, as they believed at the time, to facilitate the transmission of the funds to the Real Estate Bank, or for their own pecuniary benefit?

I mean, when I speak of southern paper, only Mississippi. As well as I recollect none of the Mississippi banks were then paying specie, but were expected to resume specie payment on the 1st of January, 1839. The western banks, I think, were then paying specie. I heard Williamson say he was instructed by the bank to invest a portion of the proceeds of the sales of the bonds in Mississippi bank notes, as they were expected to resume specie payment soon, and would answer the purpose of many of the stockholders, and thereby make a large profit to the institution. The operation of investment was, as I understand, for interest of the bank.

PETER HANGER.

I do certify that Peter Hanger was duly sworn by me, and that the above answers by him given were under oath, and that he signed the said examination in my presence, and in the presence of the committee.

JNO. FIELD, *Chairman*
of Joint Select Committee.

REPORT

OF THE COMMITTEE ON THE RESOLUTIONS OF MR. GIBSON.

The committee, to whom was referred the subject matter of two resolutions of Mr. Gibson, instruct me to report—

That, in pursuance of said resolutions, they have been sedulously engaged in the investigation of the facts and matters contemplated therein, since the 12th instant, and have the honor to lay before this body the result of their deliberations, and in doing so they beg leave to express their individual thanks to John H. Crease, Esquire, Cashier of the Principal Bank of the State, for the unremitted attention which they received from him during the protracted investigation of the complex subjects referred to them. The committee, in stopping to notice this fact, do so not with a view of complimenting Mr. Crease, but to discharge what they conceive to be a duty, imposed on them by every consideration of justice; for much of the information which is herewith laid before this body, has been derived from Mr. Crease, and through his polite co-operation with the committee, without noticing further any matter not immediately connected with the subject of enquiry, the committee will proceed to their solution, in the order in which they are presented in the resolutions under which they act; and in doing so they will endeavor to be as brief and intelligible as its facts and complicated circumstances will permit.

First, then, as to the "number and amount of the bonds of the State which were disposed of to the Secretary at War, and by whom sold?"

The committee are informed that some time in or during the early part of the spring of 1837, Capt. Jacob Brown was deputed or commissioned, in behalf of the Bank of the State of Arkansas, to negotiate the 5 per cent. State Bonds issued to that institution, and with that view proceeded eastward. On arriving in Washington city, he immediately advised the bank *here* that he had effected a negotiation of 300, equal to $300,000, with the Secretary at War, and recommended that they should be immediately remitted. The State Bank, when advised of this fact, without delay appointed Mr. James De Baun, of this city, *charge*, for the purpose of bearing the bonds thus negotiated by Capt. Brown; but to his astonishment, when he arrived in Washington City, he ascertained that the Secretary was only prepared to pay for a portion, one hundred, equal to one hundred thousand dollars; and was forced to the alternative of bringing the residue, two hundred, back with him, or else to leave them on deposite in some one of the banks of that city; the latter of which it seems from the evidence before the committee he elected to do. So soon as the objects of Mr. De Baun's mission had been accomplished, he returned to this place, and without delay accounted to the bank for the one hundred 5 per cent. State Bonds, equal to one hundred thousand dollars, delivered by him to the Secretary at War, under the negotiation of Capt. Brown, before stated, in the kind of funds received by him; all of which will more fully and at large appear by reference to the accompanying exhibit marked A. and B. No. II.

By order of the board of directors of the Principal Bank, under date the 18th of December, 1837, Col. Ambrose H. Sevier was appointed commissioner for that institution, to deliver such other of those two hundred 5 per cent. State Bonds, deposited in the bank of Washington, as before stated, by James De Baun, as the Secretary at War might be prepared to pay for under his contract made with Capt. Jacob Brown. Accordingly, by reference to the cash book and the entries therein made, on the 20th of February, 1838, Col. Sevier delivered fifteen other of those State Bonds to the Secretary at War on the first of January, 1838, in value fifteen thousand dollars, leaving the residue of the two hundred State Bonds on deposite in the Bank of Washington. He, on said 20th of February, 1838, accounting to the bank for the fifteen 5 per cent. State Bonds thus delivered by him, in the manner and in the kind of funds designated in the accompanying exhibit marked B No. 2.

In the month of March, 1839, the precise time in said month has not been clearly ascertained by the committee, Col. Ambrose H. Sevier and William S. Fulton, were, by order of the Principal Bank, appointed agents, to act jointly or separately, for that institution for the further disposition of those bonds; and during that month, they jointly delivered to the Secretary at War 24 of the remaining one hundred and eighty-five 5 per cent. State Bonds, equal in value to twenty-four thousand dollars, fourteen thousand dollars of which were paid by them to the Bank of the State of Arkansas, in certificates of deposite, as designated and shown in the accompanying exhibit marked D. No. 1. The residue of which, ten thousand dollars, was settled by Col. Sevier with the bank *here* in the manner designated and shown in the accompanying exhibit marked D Nos. 2 & 3; and in the kind of funds therein specified, at the several times therein stated. It must be borne in mind, however, the committee are satisfied by evidence in relation thereto, that Col. Sevier, at the time he received the ten thousand dollars last referred to above, was in the City of Washington, in the discharge of a public duty as one of the Senators in Congress from this State, and was prevented thereby from making payment thereof to the bank *here*, at an earlier a day than about the 10th of May, he not having returned until that time. The committee wish it borne in mind, also, that Col. Sevier had been instructed by the board from which he derived his authority as agent, or commissioner, to retain this ten thousand dollars in his possession, until his return to Arkansas, so as to save the bank the necessity of sending a special agent for it. At the time of his arrival, then, in this city, say on the 10th of May, 1839, Col. Sevier's individual cash account in the Principal Bank of the State, as evidenced and shown by the testimony adduced before the committee, as well as by the accompanying exhibit marked D No. 2, was twelve thousand and four 94–100 dollars, which embraced the amount received by him (ten thousand dollars), in Washington city, as part of the consideration money for the twenty-four 5 per cent. bonds delivered by himself and Gov. Fulton to the Secretary at War, as before stated. But the ten thousand dollar charge, together with the incidental charges connected therewith, were not finally made and carried to his individual cash account until the 6th of September, 1839, following, when not only that, but the sum of eleven hundred and eighty 58–100 dollars, for interest then due on his *private* cash account, as well as for interest due on the ten thousand dollars, as aforesaid, from the time it came into his hands to that date, and also two hundred and fifty dollars for difference of exchange between this place and Washington City, where he received it, at the rate of two and a half per cent., were severally carried to his individual cash account, making his cash debt, then, adding his prior *prvate* cash debt, ($1,374 26–100, due before the bonds were delivered, and consequently before Col. Sevier was chargeable with said $10,000) the sum of twelve thousand and four 94-100 dollars, as before stated. This amount of cash debit was discharged by Col. Sevier, at different days and times between the 18th of December, 1838, and the 12th of September, 1839, when the final settlement, before alluded to, was made, with checks on and issues of the Real Estate Bank and her branches, and those of the bank of the State and her branches, as is shown at large by reference to the accompanying exhibit marked D No. 3.

No order has been discovered on the minutes of either the general or local board of the Bank of the State, authorizing or requiring the Cashier to carry this charge of ten thousand dollars, as aforesaid, to the individual acccount of Col. Sevier. It is the opinion of the committee that it was done to distinguish it, so as to prevent any liability on the part of Gov. Fulton, it having, before that time, been charged to them (Col. Sevier and Gov. Fulton) jointly, as the original transaction, before stated, was joint. This, however, the committee only give as conjecture, the evidence being silent on the subject. But let this be as it may, there exists no circumstances to induce the committee to believe that it was not done in perfect good faith and without the slightest evidence of any solicitation on the part of Col. Sevier; for it is very certain if anything fraudulent had been intended by the Cashier, precautionary means would have been adopted by him to have prevented discovery and detection by the general or local boards. The whole transaction stands in bold relief on the various books of the bank, evidencing clearly to the minds of the committee, that if what *was* done was without precedent, on the part of the Cashier, it was done in good faith and all candor. Col. Sevier's entire cash account was settled up to the 12th of September, 1839, as will be discovered by reference to the before mentioned accompanying exhibit marked D No. 3 & C, prior to the suspension of specie payments by the banks of this State, in the month of November, 1839, (near two months after said settlement). At that time the issues of the two banks of this State were received everywhere within the State, as equivalent to coin, for the very evident reason, that they could be readily converted into coin by presentation at the bank issuing them. There was consequently no intrinsic difference in value between the issues of the Principal Banks and their respective branches; for they were all alike convertible into specie when presented. If there was any difference in the estimated value of the issues of the Principal Banks and their respective branches, it must have proceeded from the fact, that at this place the Principal Banks were alone located and the issues of the branches could not be converted *here* into coin, as the committee are advised, by evidence herewith submitted, that the Principal Banks were not in the habit of redeeming with specie the issues of their branches, and so *visa versa*. It has, however, been stated to the committee, by one of the witnesses whom they examined on the subject, that there was, at all times, prior to the suspension of specie payments by the banks of this State, in Nov. 1839, a difference in the value of the issues of the Principal Banks and those of their respective branches, in this city, of from 3 to 5 per cent. in favor of the Principal Banks; but that the branch issues were invariably received at par in payment and liquidation of debts, and for all the purposes of domestic currency. The committee apprehend that the same difference would exist in favor of the branch issues in the vicinity of their several locations, for the very reason assigned before, to wit: the convenience of convertibility. If there had been any just cause of difference of value between the issues of the Principal Banks and branches, so far as regards their appreciation, that difference should never have exceeded the cost of transportation of the precious metal, and the necessary expenses incident to the travel required to effect a *change* of *exchange*, which, under no circumstances could have exceeded ¼ to 1 per cent., dependent upon the amount and the distance to travel.

It is in evidence before the committee, all of which is herewith submitted, that the amount of Col. Sevier's indebtedness to the Bank, on the day of final settlement of his individual cash account, before referred to, was twelve thousand and four 94-100 dollars, and that *that* amount was finally paid off, on that day, in a manner recognized by the Bank as entirely satisfactory, and with such funds as were by her regarded as of sufficient value therefor. No censure, therefore, can attach to Col. Sevier, nor can those with whom the settlement was made be censured in the slightest degree. For it is very certain, that if Col. Sevier had chosen, instead of paying into Bank, in liquidation of his debt, the issues of the Principal Banks and their branches, to have presented their issues to the respective counters from which they emanated, and demanded the specie therefor, and then have liquidated his debt with the coin thus acquired, would such a course have been more beneficial to the Bank, than the one which was pursued? It certainly will not be contended for a moment that it would; for it must be evident to every reflecting mind, that the Bank thereby would have been precluded from realizing the two and a half per cent. which was paid by Col. Sevier as premium in exchange. Suppose Col. Sevier had elected to have pursued this course, would he not have saved to himself, according to the most liberal calculation, at least one and a half per cent.? for it would not have required, to convert a sum so large as the one he then owed to the Bank, into specie, even if he had had the issues of all the branches of the two principal Bank, more than one per cent. It might be urged, however, as an objection to this opinion of the committee, that the mode pursued by the Bank, in suffering Col. Sevier to liquidate his debt with the issues of the several Banks of this State, ten thousand dollars of which was a part of the capital stock of said Bank, was unprecedented and suicidal; but the committee cannot see that she could have acted otherwise, and have protected her interests. The only objectionable feature, discernible to the committee, in the whole transaction, is the bare fact of a want of promptness, which might be ascribed to Col. Sevier, in paying over to the Bank the ten thousand dollars received by him in Washington City, which it seems was in part withheld from the 10th of May, the supposed time of his return, until the 12th of September, near seven thousand dollars of which was, however, paid over prior to and on the 3d day of June. But from the accompanying exhibit, marked D. No. 3 and C., as well as from the testimony of Mr. Crease, herewith submitted, it will be discovered that Col. Sevier was charged, in his final settlement, on the 12th of September, with the usual Bank interest on the amount retained by him, until full payment. The Bank is not certainly the loser by this seeming want of promptness on the part of Col. Sevier, for she was realizing her usual rates of interest whilst it remained in his hands. The foregoing would preclude the idea of Col. Sevier having attempted to pay or secure the Bank, in the amount of his indebtedness, in any other mode than the one already stated. It is nevertheless true, from the various testimony which the committee had before them, and which they herewith submit, that Col. Sevier did offer, on the 21st of May, 1839, two notes drawn by F. W. Trapnall and J. J. Clendenin, amounting to the sum of fifteen hundred dollars, to the local Board for discount. There has been no evidence, however, that they were intended, if discounted, to be applied in liquidation of the amount which he at that time owed the Bank. The application for discount was in the usual and ordinary course of business, and if intended for other purposes, the committee are unadvised on the subject.

The other remaining seven 5 per cent. State bonds, which, as before stated, were delivered to the Secretary at War, on the 31st day of August, 1839, by the Cashier of the Bank of Washington, in whose possession they had been left, together with the 154, the remaining portion of the 300 deposited with said Bank by Mr. De Baun, in 1837, and were by him accounted for to the Bank of the State, as by entry in Cash Blotter, under date the 5th of October, 1839, at which time a certificate of deposite for their amount was remitted, on the Bank of Washington.

The residue of the 300 five per cent. State bonds, deposited as aforesaid in the Bank of Washington, by Mr. De Baun, in number 154, as the committee are informed, are still in the possession of that institution, subject to be delivered up whenever the conditions of their negotiation are complied with on the part of the Secretary at War.

In regard to the other branch of the inquiry suggested in the resolution of Mr. Gibson, pertaining to the sale of certain State bonds to Col. Richard M. Johnson, the committee will barely say, that the number purchased by Col. Johnson is thirty, equal to thirty thousand dollars; and that, although Col. Sevier and Gov. Fulton were severally authorized to make the sale, jointly or severally, Gov. Fulton alone participated in it, for the reason, said to have been assigned by Col. Sevier, that he and Col. Johnson were connected.

For further information on the other branches of this subject, the committee would respectfully refer to the accompanying exhibit, marked (E.), as it contains a full and complete response to all the inquiries contemplated by the resolution of Mr. Gibson.

In conclusion, the committee would beg leave to say, that from the very thorough examination which they have been able to give to the subject referred to them, they have found no fact which could in the slightest degree reflect discredit either upon the private or public character of Col. Ambrose H. Sevier; but, to the contrary, they are fully satisfied that the agency which he and Gov. Fulton had in the beforementioned State bonds, resulted more favorably for the institution for which they were issued, than possibly any others which have come to the knowledge of the committee. In consideration whereof, the committee would respectfully recommend to this honorable body the adoption of the following resolution:

Resolved, That there is nothing reflecting on the moral integrity, honesty, and probity of Col. Ambrose H. Sevier, in the above report, and that both he and Gov. William S. Fulton are entitled to the thanks of the people of this State, for the several offices which they respectively performed, in the sale and negotiation of the abovementioned bonds.

T. B. HANLEY, *Chairman*.

A.

Statement of the settlement made by James De Baun, and referred to annexed answers of J. H. Crease.

1837.			
August 8. Rec'd treasury warrants upon the Receiver at Washington, Hempstead co.,		31,000 00	
Do. do. at Fayetteville,		25,000 00	
			56,000 00
Sept. 6. Rec'd in specie, (small change,)		1,000 00	
Check on Bank of the U. States,		3,061 85	
Cash paid in Philadelphia and N. York, to engravers and stationers on acc't of the Bank, for bank-note plates, paper, and books,		3,729 29	
Amount left in the U. S. Treasury Department, 27,000, which was receieed as follows:			
13th Oct. Draft on Louisville,	9,000		
1838. 18th Jan. Do. on St. Louis,	18,000		
		27,000 00	
J. De Baun's travelling expenses to and from Washington, Philadelphia, and New-York,		304 25	
Cash paid here for the balance,		9,527 50	
			44,622 89
Being in full discharge of			$100,622 89
Amount rec'd by him, as agent of the Bank, for 100 bonds, delivered to Secretary at War, (in part Brown's contract for 300 bonds),		100,000 00	
And premium received by Mr. De Baun, upon sale 10,000 draft on N. York,	318 00		
Do. 6,000 do. on Vincennes,	240 00		
And disc't on the engraver's bill,	34 89		
		622 89	
		$100,622 89	
			100,622 89

All which is more fully set forth in the report of Mr. De Baun to the President and Directors of the Bank, under date 6th Sept., 1837, to which reference is respectfully requested.

J. H. CREASE.

B.

Answers and statements of John H. Crease, Cashier, on oath, to the several interrogatories of the Committee on the Resolution of Dr. Gibson, viz:

300 of the 5 per cent. bonds were contracted for by the Secretary of War, with Capt. Jacob Brown, in 1837, but

146 of which only have been delivered and accounted for to the Bank, as follows:

100 bonds, No. 1 to 100 were delivered to the Secretary at War, by James De Baun, (an agent appointed by the Bank, to carry on the bonds, procure plates, books, &c., as per instructions,) and the proceeds of said 100 bonds were accounted for and paid to the Bank, as per statement herewith, marked A. $100,000

15 do. delivered by A. H. Sevier, (commissioner appointed by the Board, per minutes 18th Dec'r, 1837, and accounted for by him, as per entry in Cash Book, 20th February, 1838, viz: "Received from the Secretary "of War, by A. H. Sevier, (see minutes 19th inst.,) "for sale of 15 five per cent. State bonds, No. 101 to "115, inclusive, as follows:

Treasury warrant on Louisville,	$5,495	48
Do. do. do.	9,436	72
Amount interest (deducted from sale by the Secretary,) from 29th Nov., when notice was given of the money being ready, to 1st Jan., 1838, as per A. H. Sevier and C. A. Harris' letter, 19th Jan., herewith,	67	80

15,000

24 bonds, delivered in March, 1839, by Sevier and Fulton, and accounted for, as per separate and detailed account and statement, herewith rendered and attached, marked D. 24,000

7 bonds, No. 140 to 146, delivered 31st Aug., 1839, by Cashier of the Bank of Washington, (where the residue of the 300 bonds were deposited, subject to the order of Commissioners Sevier and Fulton, under the order of Board, 8th February, 1839), and subsequently, say on 9th April, 1839, (see Letter Book), the Cashier of the Washington Bank was authorized to deliver any portion of these bonds to the Secretary, upon receiving payment, and placing the amount immediately to the credit of this Bank; under which last order, these 7 bonds were delivered and accounted for, as per entry in Cash Blotter, 5th Oct., 1839, by receipt of certificate of deposite in Bank of Washington, upon which we drew at a premium, as drafts were called for, 7,000

146 bonds sold, amounting to $146,000

154 bonds yet remain on deposite in the Bank of Washington, to be delivered, in pursuance of order of 9th April, 1839, to the Secretary of War, as payment may be made for the same.

30 bonds have been sold to R. M. Johnson, by Fulton and Sevier, Commissioners, &c., of which transaction a separate and full statement is hereto attached, marked C. And the

670 remaining bonds were cancelled by the General Board of the Bank of the State of Arkansas, (as per minutes 8th May, 1839,) under an act of the General Assembly, passed 13th December, 1838.

Making a total of the 1000 Five per cent. Bonds, bearing date 1st January, 1837, redeemable in fifty years, issued under an act approved 2d November, 1836.

J. H. CREASE.

C.

Statement of a settlement made by A. H. Sevier with the Bank of the State of Arkansas.

1839. May 21. To am't received by you at Washington city, in part payment of bonds delivered to Secretary at War,		10,000	
To interest on do. from 9th April to 21st May, (allowing) $6 66 for int. on money to your cr. in ledger,		75	
Cr.			10,075 00
By deposite to your credit in ledger, 174 36 & 400	574 36		
Less this am't. due by you for int. on notes as per statement ren'd.	400 92		
		173 44	
By cash rec'd on ac't $2,500 & $500		3,000	
" check on the Real Estate Bank, marked good (by Cashier) payable 10th July,	1,874 97		
Less int. on do. to 10th July,	15 62		
		1,859 35	
By package of bank notes received on your account,	3,624 50		
Deduct your checks 1,000 & 300 paid out of the same,	1,300		
		2,324 50	7,357 29
			$2,717 71
Add exchange on $10,000 received in Washington and paid here, say 2½ per cent. (the rate at which we then sold drafts),		250	
Less allowance made for expenses actually incurred by you in 1838 and 1839, while transacting negotiation, &c., for the bank at Phil'a. and N. Y.		100	
			150
Balance due 25th May 1839,			$2,867 71
Add interest to 12th Sept., 1839,			63 40
			$2,931 11
Sept. 12. Then rec'd cash in full for checks on R. E. B. $1,500, 750, & 681 11		2,931 11	
		$2,931 11	$2,931 11

Bank of the State of Arkansas, at Little Rock. J. H. CREASE, *Cash.*

Memorandum of interest referred to in annexed statement, up to 28th May, 1839.

On $4,000 from 27th Sept., 1838, is 8 m.	186 66	
900 " 10th Oct., " is 7 m. 18 d.	39 90	
And 6 m. 3 days int. on the 4,900 note renewed, deducted from note,	174 36	
		400 92
Deduct deposite made on your account, by B. Johnson,	142 33	
do do do by B. Williams	32 03	
		174 36
Balance,		$226 56

Cr.

By ent. blotter, 12 Sept., 1839,	186 66	
To cr. int. due,	39 90	
	75	
(174 36 from note),	15 62	
	63 40	
		380 52

And credited 150 to premium.

J. H. CREASE, *Cash*.

D.

Copies of original entries on the books of the Principal Bank of the State of Arkansas, in relation to the account of Sevier and Fulton, agents for selling 5 per cent. bonds, (see individual ledger, p. 688).

From cash blotter, 23 May, 1839, as follows:		
Cr. Sevier and Fulton, agents for selling 5 per ct. bonds:		
For certificate of deposite from Bank of Washington, received from Wm. S. Fulton, and forwarded to N. York, per letter 10 April,		10,000 00
Certificate of deposite from same to same, payable in Washington, and forwarded to our credit, 9 April,		4,000 00
Say,		$14,000 00
Having been received in part payment of 24 bonds sold, (10,000 received by Col. Sevier, not yet paid in bank.)		
Cash blotter, 12 Sept. 1839, viz:		
Cr. Sevier and Fulton, agents, &c.:		
For 10,000 received (with int.) from Sevier, being that amount received by him at Washington City, in April last, from sale of State Bonds,		10,000 00
Cr. Premium:		
For difference of exchange on the above 10,000 rec'd by Col. Sevier in Washington City, and paid here,	250	
Deduct allowance made Col. S. for expenses actually incurred, while in the service of the bank,	100	
		150 00
Cr. Interest:		
For amount of interest upon final settlement of A. H. Sevier's ac't as per statement ren'd,		380 58
Cr. Capital stock arising from sale of 5 per cent. bonds, for transfer of account from individual ledger of Sevier and Fulton, for sale of 24 bonds of 5 per cent., sold by them as agents of this bank, to Secretary at War, in March last, viz:		
No. 116 to 135 inclusive, delivered — March,	20,000	
136, 137, 138, & 139 delivered 21 March,	4,000	
		24,000 00

Entries from *A. H. Sevier's* individual account, in relation to the 10,000 rec'd by him, viz:

A. H. Sevier debited to cash in journal and in Teller's cash book as follows:

1839. May 14. Cash paid check for		300	
" " 22. do. do. do.		1,000	
			1,300

In Teller's cash book, 12 Sept. 1839, and in cash journal, folio 159, he is charged as follows:

Dr. For amount of interest upon final settlement of his account, 6 Sept., per statement,		380 58	
" For am't rec'd in Washington City, on ac't this bank, for sale of State Bonds, (rec'd in April last,)		10,000 00	
Dr. Difference of exchange, being rec'd in Washington City, and paid here	250		
Less allowance made you for expenses actually incurred in travelling on business for this bank,	100		
		150 00	
			10,530 58
Amount debits,			$11,830 58
Col. Sevier is debited (on individual account, cash journal 121,) with notes (on old accommodation, and having no reference whatever to this transaction) charged up	4,900		
And credited (offering book 102) with note given in *renewal of the same*,	4,900		
Less 6 months 3 days discount,	174 36		
		4,725 64	
			diff. 174 36
			$12,004 94

Col. Sevier is credited in cash blotter and Teller's cash book as follows:

1838. December 18. Cr. A. H. Sevier: For interest 142 33 & 32 03	$174 36
1839. May 12. For Trapnall & Cocke's check,	400
Cash blotter, 1st June, 1839: *Cr.* A. H. Sevier, by ch'ks on R. E. Bank: Sevier's check 2,500, Davies' order on T. Newton, 500,	
Amount carried forward,	$12,579 30

Amount brought over,		$12,579 30
Rec'd in branch paper,	2,000	
" State Bank do.	1,000	
		3,000 00
3d June:		
Cr. A. H. Sevier. Rec'd in branch paper,		3,624 50
11th Sept. *Cr.* A. H. Sevier:		
Rec'd for check on R. E. Bank, payable 10th July, marked good, drawn this day,		1,874 97
Mem. This check (1,874 97) was dated in May, 1839, and endorsed by the Cashier good, on the 10th July following, and Col. Sevier charged with the interest ($15 62) from the day of date, until the day of payment.		
11th Sept. Cr. A. H. Sevier, in full for balance of his account settled 6th inst., viz:		
(A) Check on Real Estate Bank,	750 00	
(B) do. do.	1,500 00	
Rec'd of Capt. Collins,	681 11	
		2,931 11
Amount credits,		$12,004 94

True copy, test. J. H. CREASE, *Cash.*

Mem. Col. Sevier made application for a discount of $1,500, (in part of his indebtedness on bonds), which was rejected 25 May, 1839, per minutes.

Sworn to and subscribed in committee room, this 26th day of Nov. 1842. J. H. CREASE.

T. B. Hanly, *Chairman of Committee.*

E.

In relation to the thirty bonds of the State of Arkansas, delivered to Col. R. M. Johnson, as the correspondence on the subject was carried on between the parties and William Field, Esq., late President of this Bank, the knowledge of the deponent in relation to the transaction has been mainly derived from a reference to the books of the Bank, and from which he perceives, in the minutes of the proceedings of the Directors of the Principal Bank, that on the 17th December, 1838, the President submitted and read a letter from the Hon. Wm. S. Fulton, at Washington City, giving information that a sale had been made to Col. R. M. Johnson, of thirty of the five per cent. bonds of the State.

Subsequent and various action on this subject was taken by the local Board of the Principal Bank, upon the 2d, 9th, and 23d days of

April, 1839; also, on the 30th July, on the 10th and 17th of September, and, finally, on the 2d day of November, 1839, when the whole subject was referred to the General Board of the Principal Bank and Branches, then in session; which *General Board*, at its meeting upon the 4th day of November, 1839, recognized and confirmed the sale, under the following conditions:

"Col. Field, in pursuance of an order of the Board of the Principal Bank, submitted a proposition from Col. Richard M. Johnson, in relation to his indebtedness for the $30,000 of 5 per cent. State bonds; and Col. Johnson himself having appeared personally, to explain his views and desires on the subject; and the minutes of the local Board of the Principal Bank, in relation thereto, having been read; Col. Farrelly submitted the following resolution, which was adopted unanimously:

"1st. *Resolved*, That this Board, by the Attorney of the Bank of the State of Arkansas, conclude the arrangement with Col. Richard M. Johnson, for the sum of thirty thousand dollars, owing by him for thirty State bonds, of one thousand dollars each, bearing an interest of five per cent., payable semi-annually, on the following conditions, viz:

The said Richard M. Johnson to give a deed of trust on his property in Arkansas, to secure the payment of said sum to the Bank, with interest at 8 per cent., to commence on the 1st January, 1840, payable semi-annually, but 5 per cent. of said interest shall be discounted from each semi-annual payment, until such time as he the said Richard shall make sale of said bonds; then from that date and thereafter, until the reimbursement of the principal, the whole amount of the interest, at the rate of 8 per cent., shall be paid to the Bank, semi-annually, at the Union Bank of Louisiana, in the city of New-Orleans.

The principal sum of $30,000 to be paid at the Union Bank of Louisiana, in the city of New-Orleans, in five annual instalments of $6000 each, at the times following, to wit: the first days of January, 1841, 1842, 1843, 1844, and 1845.

The said deed of trust to empower the trustee, in default, or non-payment of either of the said instalments, to sell, for cash, sufficient of the trust property to pay the sum due, and interest, by giving six months previous notice of such sale.

2d. *Resolved*, That the Cashier of the Principal Bank compute the interest on said bonds, from the time sold to Col. Johnson up to the 1st January, 1840, at 1 per cent., and that he be permitted to liquidate the same, by an approved bill on New-Orleans.

The Secretary was ordered to furnish the Attorney of the Principal Bank with a copy of the above resolution, to enable him to draw up the requisite deed, &c.

And, on motion, the Board adjourned.

J. H. CREASE, *Sec'y to General Board.*"

On the 7th Nov., 1839, the abovementioned deed, having been duly executed, was submitted to the Board, and the Secretary ordered to deliver the same into the hands of F. W. Trapnall, Esq., to be recorded in the Recorder's office in Chicot county.

Further action was taken on the subject of Col. Johnson's indebtedness, by the General Board, at its meeting on the 28th July, 1841, as will be perceived on referring to their minutes. Also, on 3d Nov. of same year, when Joel Johnson assumed payment of the debt, the Bank holding all the security previously obtained from R. M. Johnson. And at their meeting on 16th of February, 1842, the General Board, upon representation being made by their Agent, Wm. Field, Esq., of the payments then in progress of making by Joel Johnson, Esq., ordered, that payment of the balance due on 1st January, 1842, might be postponed for twelve months, say to 1st January, 1843.

The payments made on account by R. M. and Joel Johnson, are:

Amount draft on New-Orleans, due 1st Jan. 1840,	$525
80 bales cotton, shipped by order Wm. Field Agent, to F. Huth & Co., Liverpool, on account of interest on State bonds, payable in London, amount not known.	
And 7 of the bonds sold to Col. Johnson, were returned and accepted by the General Board,	7,000

I, John H. Crease, Cashier of the Principal Bank of the State, do hereby certify, that the above and foregoing is a true and perfect copy, so far as it purports to be, of the original thereof, as appears from the book in which it is written. Given under my hand, this 17th Nov., 1842.

J. H. CREASE, *Cash'r.*

QUESTIONS propounded to Charles Bertrand, and his answers thereto, given on oath, before the committee appointed under the resolution of Mr. Gibson, by ballot, in the House of Representatives of the present General Assembly.

Question 1st. Will you state to the committee what you know in relation to the ten thousand dollars said to have been received by Col. Sevier, in Washington City, and in what manner the same was settled?

Answer 1st. As a Director of the State Bank, I understood A. H. Sevier and Wm. S. Fulton to be the agents for the Bank, for the sale and disposition of the 5 per cent. bonds of the State of Arkansas, then under the control and management of said Bank, and in the possession of said gentlemen, or placed within their control at Washington City. By reason of my office as said Director, I came in possession of the fact that a sale had been made, (or a former contract carried out,) by Sevier and Fulton, of $24,000 of said 5 per cent. bonds, to the Secretary at War, either in the latter part of the year 1838, or first part of the year 1839. A portion of the proceeds of said sale, according to the best of my recollection, was directed to be, and was so applied, to the payment of interest then due by the Bank in New-York; and the said commissioners or agents were instructed to furnish the Bank with certificates of deposite for the remaining balance. Said Sevier was entrusted with the charge of $10,000 of the proceeds of said sale, or with the care of obtaining the certificate and delivering it to the Bank. He arrived at Little Rock, on his return from the east, in the month of April or May, 1839. At a meeting of the Board of Directors of the Principal Bank, on the 21st of the latter month, he offered to the Board for discount, and as a part payment of said $10,000, the notes of F. W. Trapnall and J. J. Clendenin, for $1500, (the amount of each note not recollected). The Board declined making said discounts, until Col. Sevier should pay in the remaining balance then due, when they would probably take the matter of said discounts into favorable consideration. The same or other individual notes were never afterwards offered as payment or part payment of said amount of $10,000, then due to the Bank by said Col. Sevier, on account of the sale of said bonds, so far as my recollection serves me. Settlement was afterwards made, as I believe and learn from the books of the Bank, by the payment of money of the issue of the Banks of this State, at different times, and the discount or purchase of checks on the Real Estate Bank.

Question 2d. Were settlements of this kind allowed to be made, without an order from the Board of Directors?

Answer 2d. It was certainly a matter, in the settlement of which the Board should have been consulted, and had, as I believe, the absolute control.

Question 3d. Was the $10,000 debt, referred to above, an ordinary debt, as upon accommodation notes, or could it be made to assume that character, without the knowledge and approbation of the Board, expressed upon their minutes?

Answer 3d. It was not an ordinary debt or discount, and could not or ought not to have been so made, without an order or assent of the Board.

Question 4th. What was the time given on notes discounted for renewal, in 1839?

Answer 4th. My belief is, that the Bank at that time discounted no accommodation notes running longer than four months, unless perhaps to Directors.

Question 5th. Did any of the local Boards of the State Bank, or the General Board of the State Bank have the control in securing the State Bonds, and settling with the agent appointed to sell them.

Answer 5th. I cannot answer the question fully in relation to the 5 per cent. bonds, unless time is afforded to examine the charter establishing the State Bank and branches. The General Board of the

State Bank of Arkansas had the management and control of the 6 per cent. bonds sold on account of said bank.

C. P. BERTRAND.

Sworn to and subscribed before the committee, in their room, this 19th day of November, 1842.

T. B. HANLY, *Chairman.*

Arthur Whitfield, having been produced before the committee, appointed under the resolution offered by Mr. Gibson in the House of Representatives, on the — day of November, A. D. 1842, and being by the chairman duly sworn the truth to speak touching the matters properly cognizable by said committee, says as follows, to the following interrogatories propounded:

Question 1st. Were you engaged in dealing in exchanges in 1839, in the city of Little Rock? and if so, please state to the committee what was the difference usually made between the paper of the Principal Banks and their respective branches, from about the 1st of May of that year, until the 1st or 15th of September following, and what occasioned that difference?

Answer 1st. I was in the habit of dealing in exchange in the city of Little Rock, during the year 1839. There was a difference made between the paper of the Principal Banks; *that* difference was generally from 3 to 5 per cent. The reason of the difference was, as I conceived, that the Principal Banks did not pay the notes or issues of their respective branches in specie.

Question 2nd. Do you know, from any transactions which you had with the Principal Banks at Little Rock, whether at any time during the year 1839, prior to the suspension of specie payments by the banks, whether said branches ever made any difference in selling eastern exchange, between their own paper and that of their respective branches.

Answer 2nd. I never purchased any exchange from the banks, that I now recollect, There was, however, a difference made; *what* that difference, I do not now recollect.

Question 3d. When you sold branch paper, did you sell for 5 per cent. premium?

Answer 3d. Upon one occasion, I think, I did sell some Fayetteville branch paper for a premium over the Principal Bank paper, of about, I think, 5 per cent. premium. Generally I was glad to exchange it at par.

A. WHITFIELD.

Sworn to and subscribed before the committee, this 17th day of November, A. D. 1842.

T. B. HANLY, *Chairman of Com.*

MR. GIBSON'S RESOLUTION.

Resolved, That a committee to consist of seven members, be appointed to inquire what number and amount of the Bonds of the State were disposed of to the Secretary of War, on account of the Indian funds; by whom said bonds were disposed of, as agents of the Bank of the State; what kind of funds were received, and by whom; in what manner they were paid over to the bank, and in what time after the receipt (by the agents) of said funds, they were paid over. That they likewise be instructed to inquire what amount of the bonds of the State have been sold to R. M. Johnson, late Vice President of the U. States, on account of the Bank of the State; by whom said bonds were sold; upon what time; what security was taken; whether the money has been paid upon the different instalments; what amount has been paid; what amount is yet unpaid; what is the condition and security of the balance unpaid, and all other matters and things touching said bonds and their sale and transfer; and that said committee have full power to send for persons and papers, to examine witnesses upon oath, and to have before them the books and papers of the Bank of the State; and report to this House as early as practicble, all the facts they may ascertain by said investigation.

Extract from the minute book of the Principal Bank of the State of Arkansas, at Little Rock.

"At a meeting of the board, on Tuesday, 25th May, 1839; present, Wm. Field, President, C. P. Bertrand, Jno. W. Johnson, Lorenzo Gibson, Jno. Adamson, Jas. B. Galloway, David Fulton, Thomas Thorn, and Wm. Gilchrist.

"The minutes of the last meeting were read and approved, and the notes for renewal disposed of agreeably to the renewal offering book.

"Two notes drawn by F. W. Trapnall and J. J. Clendenin, amounting to $1,500, were presented in behalf of A. H. Sevier, for discount, the proceeds to be applied in part payment of $10,000 yet remaining due by A. H. Sevier, upon $24,000 of five per cent. State bonds, delivered by said Sevier and Wm. S. Fulton, as agents for this bank, to the Secretary at War, (in part of 200 bonds heretofore contracted for by said Secretary at war.) Whereupon, it was ordered, that said Sevier be informed that this board require him first to deposite into bank the balance of the money so received by him, and after which they will take his offering into consideration.

"It was also ordered, that the Cashier notify A. H. Sevier, and require him to pay up the interest and call, and furnish new notes for the renewal of his two notes now lying over."

I, John H. Crease, Cashier of the Principal Bank of the State, do truly certify that the above and foregoing is a true and perfect copy of the original, as it appears on the minute book of the local board of said bank. Given under my hand, this 17th Nov., 1842.

J. H. CREASE, *Cash.*

The answers of William S. Fulton, and the questions propounded to him, placed in consecutive order, being first duly sworn in pursuance of law, before the committee appointed under the resolution of Mr. Gibson, in the House of Representative:

Question 1*st*. What number of State bonds were sold to Col. Richard M. Johnson, late Vice President of the United States, if any; and if any, by whom were they sold?

Answer 1*st*. There were 30 State bonds sold to Col. Johnson, by myself, as agent for the bank.

Question 2*nd*. Had Col. Sevier any connection with you in making this sale to Col. Richard M. Johnson; if so, state what part he acted in said sale?

Answer 2*nd*. Col. Sevier had nothing to do in making the sale to Col. Johnson, more than merely expressing his assent thereto after it had been made by me. I spoke to Col. Sevier in relation to my purpose of making the sale to Col. Johnson of those bonds, and he unhesitatingly told me that he thought if I would do so on the terms expressed to him, that it would be a safe and good sale, but declined absolutely, on account of his connection with Col. Johnson, to take any part with me in the final ratification of said sale.

Question 3*d*. After the sale had been finally ratified and consummated with Col. Johnson of those bonds, who took the mortgages executed by the Col. for the securement of the payment of the principal and accruing interest on those bonds; and who retained and brought them from Washington city to this place, when they were executed?

Answer 3*d*. The mortgages were taken by me, and were retained in possession, until my return to this city, or until they were remitted by some one not now recollected.

W. S. FULTON.

Sworn to and subscribed before the committee, at their room, this 17th November, A. D. 1842.

T. B. HANLY, *Chairman of Select Committee.*

Committee Room, Nov. 16th, 1842.

Questions propounded to John H. Crease, Esq., Cashier of the Principal Bank of the State of Arkansas, in Little Rock, with his answers to each question, in consecutive order, before the committee appointed under the resolution offered by Mr. Gibson, in the House of Representatives, on the — day of November, 1842.

Question 1st. What number and amount of bonds were sold to the Secretary at War?

Answer 1st. 300 bonds were contracted for with the Secretary at War, by Capt. Jacob Brown, and but 146 bonds have been delivered and paid for.

Question 2nd. Why is the distinction made in the original entries on the books of the bank, between the branch and Principal Bank paper.

Answer 2nd. It proceeds from the habit of the Principal Bank appreciating her own paper above that of any of the branches, and to meet the contingency of depositors calling for the same kind of funds deposited.

Question 3d. Did the bank, at the time of the original entries alluded to, require deposites to be made specially, or did she suffer or allow them to be made generally?

Answer 3d. So far as my recollection serves me, the bank authorized general depositors; and the distinction made between his own and the paper of other banks, was adopted by himself, as cashier, as the banks were then all paying specie.

Question 4th. Will you state whether the Principal Bank of the State, of which you are now and was then cashier, was in the habit of paying specie for the issues of the branches?

Answer 4th. The Principal Bank was in the habit of paying specie for small amounts of the issues of the branches, but did not pay coin for any very large amounts thereof.

Question 5th. When deposites were made in branch paper and a certificate of deposite given, was the Principal Bank in the habit of paying its depositors at their election coin, or the issues of the Principal Bank, or were they required to receive the deposites in kind?

Answer 5th. The depositor was expected to draw out his money in or near the kind deposited.

Question 6th. Were the 2,000 dollars deposited on the 1st, and the 3,624 dollars on the 3d day of June, 1839, by A. H. Sevier, designated by you as having been made in branch paper, received by the bank as equivalent to specie?

Answer 6th. The notes of the branches were received by the bank from Col. A. H. Seveir, as well as from all other debtors to the bank, as the equivalent to specie, as the branches at that time were paying specie for all their issues or notes.

Question 7th. Was Col. Sevier's debt to the bank an ordinary debt, as upon accommodation notes, or not?

Answer 7th. The debt of Col. Sevier, alluded to in the last question, and last preceding answer, was for money received by him on account of sale of 24 bonds at Washington, and upon which he paid a premium of 2½ per cent., thereby rendering his payment fully equivalent to the money received for the residue of 24,000 dollars deposited in Washington, and drawn for here.

Question 8th. What obligation did the bank have from Col. Sevier, showing his indebtedness on account of the money or certificate of deposite received at Washington city, after his return to this city.

Answer 8th. After Col. Sevier returned from Washington, he settled his debt with money, paid at different times, he allowing the usual interest on the same, and I am not aware of the bank having held any special obligations from Col. Sevier.

Question 9th. Were the checks designated on the account current furnished, marked respectively A and B, the one for the sum of $750, and the other for the sum of $1,500, sight checks, or were they or either of them payable after sight or date?

Answer 9th. The checks A and B were *paid in money*, upon the day credited in the account furnished. My impression is that the $750 check was dated on or about the day stated. But that the $1,500 check was dated and received in May previous, endorsed by the cashier "good," and payable in September.

Question 10th. By whom were the checks for $750, marked A, and the one for $1,500, marked B, discounted? whether by order of the board of directors. or by the Cashier and President?

Answer 10th. The checks were not discounted at all, but the money drawn from the bank on the day credited in the account.

Question 11th. What was the difference in 1839, between the paper of the Principal Banks, at Little Rock, and their respective branches?

Answer 11th. The only difference previous to Nov. 1839, when the banks suspended specie payment, was the expense of transporting the coin.

Question 12th. Was the branch bank paper received as equivalent to specie, in all settlements made with the bank, adding the exchange (if any) for the funds settled for?

Answer 12th. The paper of the branches has at all times been received at par, and equivalent to the paper of this bank, in settlement of debts due the bank.

Question 13th. Was it the habit of this bank to receive checks endorsed "good" by, and notes of the Real Estate Bank, at par for debts due your bank, upon settlement with the debtors?

Answer 13th. Yes, it was the constant habit of this bank.

Question 14th. Did Col. Sevier fully satisfy the bank in relation to the bonds sold by him, by paying the full amount due from him, including the difference in exchange and also the interest on the amount of bonds sold, from the time the same was sold until the time the same was paid into bank by him?

Answer 14*th*. Full payment of the debt with interest and exchange was paid by Col. Sevier, and his account settled in the books of the bank, agreeable to the statement rendered by this deponent.

Questson 15*th*. Was the bank at that time selling eastern exchange on Washington? if so, state whether Col. Sevier paid the same rate of exchange that was charged against other persons in his said settlement?

Answer 15*th*. Four thousand dollars only of the funds derived from the sale of the 24 bonds, was deposited in the Bank of Washington, and was sold here at a premium of 2½ per cent., which was the rate charged Col. Sevier in his settlement.

Question 16*th*. Was the paper of the several branches received at par upon debts due in eastern exchange, or in gold and silver, and did the bank of the State receive the paper of the branches of the Real Estate Bank, upon the checks given by Col. Sevier upon the said Real Estate Bank?

Answer 16*th*. The paper of the several branches of this bank, and of the Real Estate Bank and branches, was taken at par in payment for drafts on Washington, at a premium of 2½ per cent.

Question 17*th*. Was the bank in the habit of receiving the paper of branches at par, for and on account of bonds sold by her agents, where said agents had received the same in eastern exchange, or gold and silver?

Answer 17*th*. There has been no similar instance occurred to establish a habit ot precedent for the case, no other agent having tendered branch paper in payment of bonds.

Question 18*th*. Was there ever any order of the board, authorizing the settlement with Col. Sevier, as exhibited in settlement marked C; and if there was no order by said board, by whom was said settlement authorized?

Answer 18*th*. The board were fully cognizant of the manner and mode of settlement with Col. A. H. Sevier, but I do not perceive any action whereby a record was made on the minutes of the board, except the one under date 21st May, 1839, herewith transcribed as an exhibit. It was customary to leave monied settlements to the President and Cashier, and the settlement with Col. Sevier was fully approved by the President.

J. H. CREASE.

Sworn to and subscribed before the committee, in their room, this 19th day of Nov. 1842.

T. B. HANLY, *Chairman*.

MINORITY REPORT

ON THE SALE OF THE FIVE HUNDRED STATE BONDS.

Mr. Speaker—The undersigned members of the joint select committee to whom was referred Mr. Field's resolutions, with their amendments, in consideration of the extraordinary report made by him, as chairman of that committee, in relation to that branch of the investigation directed to the conduct of A. H. Sevier, deem it a duty which they owe to truth and justice, as well as to that individual, who has been pursued and hunted down, with a malignity and vindictiveness unparalleled in the annals of political warfare, from the first day of this session of the Legislature to the present time, that a fair, impartial, and unprejudiced statement of the facts and circumstances relating to his connection with this subject, should be made.

The report submitted a few days ago, by the chairman of the committee, is sophistical in its arguments, exaggerated in many instances, garbled in others, and unjust and illiberal in all its deductions and conclusions.

It is not that we would court controversy and altercation of any kind, nor that we are ambitious of appearing as Col. Sevier's champions, ready to defend his fame and character, when the one is sullied and the other is degraded and disgraced by acts of turpitude and baseness, that we now offer this statement to the House, but in discharge of a trust committed to us, in vindication of truth and justice, and of the character and dignity of this Legislature, which has, on yesterday, elected Col. Sevier to the first office in their gift, and today, instead of according to him a character for that purity of principle, that unbending integrity, and that lofty sense of honor, which alone would render him worthy of our confidence and the high honor we have conferred upon him, have, by this report, if we adopt it, pronounced him faithless, dishonest, unprincipled, and charged him with conduct the most criminal and corrupt.

After a member of this committee, prior to the election of United States Senator, announced, on the floor of the Senate, that nothing had been elicited in the investigation upon which this report was founded, which could or should affect the result of that election, and the gentleman chairman himself made a declaration to the same effect in this House, any member of this body must have been amazed at the character of the document which was alleged to have been predicated upon that investigation.

In explanation of the course of the chairman himself, it may [be] due to him to state, that he did not pen a line of that labored production, which he must have thought, when it was submitted to him, would, and which it no doubt will, secure to whomever the authorship is awarded, "his country's deepest gratitude and respect."

Had the author have been more competent to arrange, compile, and elucidate the facts of the case upon which this House desired information, than the elected chairman, (which, unless certain qualities for which that gentlemen is somewhat distinguished be considered the most necessary qualifications for such a duty, we are unwilling to admit,) we should have considered this circumstance less worthy of remark. Had the real author of that report appeared as the ostensible one, we should have felt less imperatively called upon to correct its gross misstatements and erroneous conclusions. This House and the country would then have made some allowance for the exaggeration of passion and prejudice, by which the best of us are sometimes unconsciously influenced, and of which, in the frailty of our natures, it is impossible to divest ourselves.

The gentleman himself who drafted the report, we leave to determine as to the propriety and delicacy of first appearing as an accuser, and afterwards acting as judge in a case, the result of which might seriously affect his own reputation. While we studiously avoid the imputation of any improper motive or dishonorable conduct to him, we would also disclaim any design whatever to attribute to the chairman, who has merely acted as 'accoucheur' on the occasion, a want of self-respect and a just sense of his own dignity, by presenting him to this House as a pliant and passive instrument in another man's hands, who has been induced to avail himself of an opportunity which his privileges as one of its members afforded him, to assail the conduct and character of an individual who was not present to confront his accusers, and repel the foul insinuations and aspersions which have been heaped upon him.

We trust the honorable chairman has acted no such part. It is in defence of ourselves, through whose sides every wound upon Colonel Sevier's reputation by this report must be inflicted, that we claim the indulgence of this House, while we remove all the grounds of the charge to which a large majority of its members are equally obnoxious with ourselves. We partake of the guilt of Col. Sevier, if, with all the lights upon the subject in our possession—with all the evidences of this corrupt, dishonorable, and unprincipled conduct with which he is either directly or by implication charged in this report, before our eyes, we have approved, sanctioned, and even commended such conduct, by bestowing upon him the highest testimonial of our favor and confidence.

Having explained the motives and considerations by which we have been governed in the discharge of a duty which we did not feel at liberty to decline, we would respectfully submit, that in reply to the first inquiry instituted by the resolutions, in relation to the sale of the

State bonds on account of the Real Estate Bank, we found, by an examination of the records and papers of the Bank, that Messrs. T. T. Williamson and A. H. Sevier sold, as commissioners or agents for the Bank, 500 bonds, amounting to $500,000, to the Hon. Levi Woodbury, then Secretary of the United States treasury, for an investment of the Smithsonian legacy, for which they, as the act of sale *expresses*, received a deposite to their credit for that amount, in the North American Trust and Banking Company, of New-York. From the records of the Bank, we have to assume, that the bonds were sold for their par value. But from the fact that the Smithsonian legacy was offered to the highest bidders in State bonds, and that there was great competition among the different States at the time these bonds were sold, for this fund, we are led to believe that the bonds were sold for less than their par value abroad, and the deficiency was made up by the subsequent conversion of the funds originally received into southern and western exchange, under the instructions of the Central Board. It is not necessary here to state, that a sale of our bonds, at a discount, would have been a direct and flagrant violation of the charter of the Bank. But the science of finance had been reduced to such perfection at this time, that this was a difficulty readily obviated. The ingenuity of the commissioners had not here to be called into action. With a foresight indispensably necessary for a successful financier, the President under whose instructions they were then acting, anticipating the probable failure of the commissioners to effect a sale of the bonds at their par value, suggested to them, in the event of such failure, that the words "receive not less than par value," in the opinion of the Board, will fully authorize a sale at *less* than par value abroad, if the sale *expresses* to receive par at home. (See instructions under date 6th June, 1838, page 9th of the Bank Journal.) That is, the commissioners could sell the bonds for any sum, which, by trafficking and exchanging, they could convert into their par value at home, without an infraction of the Bank's charter.

After the sale of the bonds, the commissioners proceeded to convert the original funds received into the kinds as fully shown by the accompanying account, taken from the minutes of the Bank, marked A., and made a part of this report, by which there was an apparent gain to the Bank of eighteen thousand eight hundred and thirty-nine 96-100 dollars.

The question now arises, as to whether the powers with which they were clothed authorized the conversion of the credit in the N. A. Trust and Banking Co., obtained for the bonds, into the funds paid over, or whether, as is alleged in the majority report, it was a direct and palpable violation of all the authority that could be derived from these instructions and the resolution of the Central Board. Notwithstanding the careful examination bestowed upon these instructions by the gentlemen who have already submitted a report, without discovering in them any thing that could be construed into a justification of the course of the commissioners, in the exchange of the eastern for the southern and western funds, we feel compelled to state, and we reluctantly make such issue with the gentlemen, that they either did not give that attention to the subject which they profess to have done, or that they have arrived at conclusions unwarranted by the facts.

In defence of this position, it would only be necessary to refer you to the instructions already quoted, which direct a disposition of the bonds, which would render the conversion of the money received for them into other funds absolutely necessary, in order technically to avoid a forfeiture of the Bank's charter. But we do not rely entirely upon this clause in the instructions, to prove the justness of our conclusion, which is irrefutably confirmed by the concluding part of the same letter, which is as follows:

"As heretofore, you are again left to exercise your own discretion and judgment in all things connected with your mission; and with the hope that it may early terminate favorably, I have the honor," &c.

In charity to the gentlemen who have made the report to which we have more than once referred, we will hope that those portions of the instructions to which we have called your attention, in refutation of the charges made in that report, have until now entirely escaped their observation. In the absence of every sense of right, and of any disposition to do justice to the gentlemen whose conduct was the subject of their report, it is highly improbable that gentlemen should manifest such an utter recklessness of character, as to declare, in the face of these instructions, that the commissioners were, in the exchange of the funds, guilty of an "extraordinary departure from the legitimate scope of their instructions."

If, in the opinion of the commissioners, the conversion of the credit in the North American Trust and Banking Company into the kind of funds paid to the Bank, putting out of view the probable necessity of such a course from the character of the sale, was conducive to the interest of the Bank, it requires no argument to prove, that they were bound by every consideration of honor and of duty, to do that which has been charged upon them as a dishonorable breach of trust.

The insinuation that the commissioners must have been benefitted by the transaction, in a manner not disclosed to the bank or the country, and of course highly dishonorable to them, we consider a mere ebullition of political hostility, and that bitter and implacable hatred which the author has uniformly manifested towards at least one of them.

It must be apparent to every rational understanding, not blinded by prejudice and personal animosity, that the commissioners did not transcend the powers with which they were invested by their instructions, under the most rigid construction that could be placed upon them.

Although under the instructions we have already put the house in possession of, their discretion and judgment were to be the sole guides by which their action was to be governed, in all things connected with this bank mission, it may be proper to apprise you, that you may have a more full and correct idea of the character of their instructions, their powers, and the latitude allowed them, that they were authorized, in the event of a less favorable negotiation than they accomplished, to hypothecate one and one half millions of bonds for $250,000, which will appear by reference to instructions of same date, which, after urging upon them the importance and necessity to the people of this State, of a speedy sale of the bonds, proceed to direct a consignment of the whole million and a half to Europe upon an inconsiderable advance made upon them in New York, they say: "In the event of taking an advance, you will endeavor to obtain the full amount of $500,000, contracting to deliver the remaining thousand in a reasonable time, making sufficient allowance for any probable delay, and conditioning the final payment of the $500,000 on their delivery." These are the instructions of the central board, and to that board only were the commissioners responsible.

The next enquiry is "did the commissioners retain in their hands and appropriate to their own uses, the money of the bank, and if the amount so retained, how accounted for, &c., &c.

In reply, we would report, that A. H. Sevier retained $14,300, to which he conceived himself entitled as a stockholder in the Bank. He paid to the bank interest and premium on the money retained, and as no dissatisfaction was expressed by the board, when the settlement was made, it seems just to presume, in the absence of any evidence to the contrary, that Col. Sevier would have paid over the entire amount due from him, had the requisition been made upon him. (See Mr. Davies' letter marked B, herewith submitted.)

We also find that Col. Williamson, in settling with the engravers for the bank, paid them part in cash, and the balance, which was $14,094, in his individual notes, for all of which he received credit in his settlement with the bank; as appears from the accompanying account. There appears on the face of the account, no evidence of a disposition on his part to conceal from the bank, the manner in which he had settled with the engravers, as he paid the bank interest on the amount, for which he considered himself *individually* indulged by them. The engravers have since brought suit against the bank and obtained judgment against her, in the Pulaski circuit court. This judgment; however, has been ordered to be reversed by the Supreme Court, to which an appeal has been taken, and upon the final issue is to be determined whether Col. Williamson owes the bank or not.

It also appears that the sum of $9,050 was loaned to different individuals of this State, then in the city of New York, as we are informed, upon the faith of certificates of deposite in the State Bank in this city, which was then paying specie.

All of this the majority report declares unauthorized by the instructions, and a gross and glaring breach of trust and good faith, on the part of the commissioners.

While we will not defend the policy of such an use of the bank's money, it is hardly necessary to refute the charge of "breach of trust and good fath," to refer you again to their instructions, which are so broad and comprehensive as to embrace within their scope almost any possible disposition of the funds which the mind can conceive of.

The employment of Mr. Corcoran by the commissioners, to aid them in the negotiation of the bonds, is a subject upon which the author of the majority report has commented in a strain of irony and ill nature, which leaves us to conclude that he was more ambitious of displaying to this house, his ability as a satirist, than of furnishing the information which it desired.

It might have been absolutely necessary to the accomplishment of the object of their mission, and was at least approved by the central board, after their return to the State.

The Smithsonian Legacy was invested in State bonds, upon the best terms proposed by the holders, and it was not for Mr. Woodbury, who had charge of them, to give the preference to the commissioners of any particular State. Through Mr. Corcoran, we believe, the agents of the Real Estate Bank of this State, ascertained the terms upon which other stocks would be offered, and regulated their bids accordingly. Without calling to their aid the services of Mr. Corcoran, they, in all probability, would have failed in an enterprise upon success of which the central board represented their very salvation to depend. Yet it has been argued by the majority to be an admissoin on the part of the commissioners, of inadiquacy to the task committed to them. Those gentlemen must know, that under the system of stock-jobbing which has been practised to such a ruinous extent throughout the Union for the last ten years, that brokers have borne the most conspicuous part in all transactions appertaining to that business.

For them to contend, that a class of individuals, somewhat distinguished for their shrewdness, are not necessarily more conversant with matters which they have made their study and profession, than gentlemen, however talented and sagacious, whose time and labor had been employed in a different channel, would argue an "ignorance and stupidity" which we do not wish to impute to them.

Mr. Corcoran, we are credibly informed, is a gentleman of high standing and character, and enjoys a reputation for financial skill and ability, equal to that of the great idol of bank worshippers himself. His position at the time, as under Secretary of the U. S. Treasury, and confidential adviser of Mr. Woodbury, rendered his services and co-operation of peculiar value and importance to our commissioners.

We will venture the opinion that they saved the State from great loss and difficulty, by preventing a hypothecation or assignment of the $150,000 of bonds for $500,000, which in a certain event was authorized by the instructions of the central board. Thus, you see, that the most prudent and judicious investment of 5,000 dollars of the bank's money has been perverted by the majority, into a crime of the greatest magnitude, a stupendous fraud, a gross and palpable breach of trust. The avidity with which the author of the report has seized upon every pretext of accusation and vituperation against the commissioners, shall not betray us intoa recrimination to which he has so completely exposed himself. We believe that after the statement of the facts and the explanations we have made, in relation to this subject, his ill-natured invectives against the commissioners, will either fall harmless at their feet, or recoil upon himself.

In conclusion, we are unwilling to deny that the commissioners may have been in some instances guilty of errors, which, though no crime, too often subjects honest and virtuous men to calumnies, of which it is more honorable to be the victim than the author.

A. RUST, *Chairman,*
A. G. MAYERS.

The Real Estate Bank of the State of Arkansas, in account with Thomas T. Williamson and Ambrose H. Sevier, Commissioners.

Dr.

1838.	To cash paid over to A. H. Davies, Pres't, per rec'pt rendered	276,226 35	
	" do. transferred to N. Orleans and Natchez for deposite viz: Mississippi, 63,185 78 Louisiana, 99,939 77 Louisville, 36,790 18	$199,915 73	$476,142 08
	" do. paid over in Ark's money,	1,990	
	" do. " " by P. Hanger in do.	4,140	6,130
	" do. " draft A. H. Davies, Pres't, to pay expenses forwarding bonds,	500	
	" do. paid Rawdon, Wright & Hatch bill of engravings,	21,143 37	
	" do. paid Stationer's bill,	1,833 64	23,477 01
	" am't allowed by Central Board for services T. T. Williamson, $3,000		
	" do. do A. H. Sevier, 2,000		5,000 00
	" com. paid W. W. Corcoran for negotiation,		5,000 00
	" balance,		14,872 00
		Dolls.	530,621 09

Cr.

1838.	By proceeds of the sale of 500 bonds of $1,000 each to Hon. Levi Woodbury,		$500,000 00
	" premiums arising from the investment of do. as per account of W. W. Corcoran,	9,330 68	
	" do. " T. B. Lee	7,772 06	
	" do. " W. W. Corcoran,	566 85	
	" interest and premium on $4,000 advanced to Peter Hanger,	140	
	" interest and premium on $14,300 retained by A. H. Sevier, in New York,	572	
	" interest on deferred payment to Rawdon, Wright & Hatch,	422 87	
	" premiums received by Th. T. Williamson,	35 50	$18,839 96
Dec 15	This amount paid to Th. T. Williamson to refund advance made to Rawdon, Wright & Hatch, N. York, (see their bill),		11,781 13
		Dolls.	530,621 09
	By balance, being amount due from A. H. Sevier for funds retained in N. York, interest and prem. after deducting $2,000 allowed for services,		$14,872 00

I certify the foregoing to be truly copied from the minutes of the Bank.

THO'S W. NEWTON, *Cashier & Secretary.*

Little Rock, Nov. 16, 1842.

Mr. A. H. Davies—Will you be good enough to inform us if the settlement made by Col. A. H. Sevier, as agent for the Real Estate Bank, in the sale of five hundred thousand dollars of State bonds, on account of that institution, was approved by the Central Board? and if so, did that Board accord to him a vote of thanks, for the manner in which he discharged the duties of his agency?

Respectfully, your obedient servant,
A. RUST, *of the Select Committee.*

Little Rock, Nov. 17*th*, 1842.

Gentlemen—In reply to your note of yesterday, requesting me to inform you if the settlement made by Col. A. H. Sevier, as agent for the Real Estate Bank, in the sale of five hundred thousand dollars of State bonds, purchased by the Hon. Levi Woodbury, for an investment of the "Smithsonian legacy," was satisfactory to the Central Board of Directors, it gives me pleasure to say, that the *settlement of the accounts* of Messrs. Williamson and Sevier was not only satisfactory to that Board, but their entire agency in the negotiation and sale of the bonds disposed of by them, the disposition and arrangement of the funds coming into their hands from such sale, their long and unwearied attention to all the matters connected with their mission, the prompt and faithful manner with which they discharged every duty connected with it, was such as not only to give entire satisfaction, but to entitle them to the thanks and obligations of the Board.

Though your request refers only to Col. Sevier, it is but justice to both gentlemen, that this public avowal should be made.

Very respectfully,
your obedient servant,
A. H. DAVIES.

Hon. A. Rust, &c.

MINORITY REPORT

Of Mr. Field, one of the committee to whom was referred the bill to "settle and liquidate the affairs of the Real Estate Bank."

The majority of the select committee of this house, appointed to take into consideration the bill to settle and liquidate the affairs of the Real Estate Bank, having agreed upon sundry amendments to the bill as transmitted by the Senate to this house, have reported the same. Disagreeing with the majority, I beg leave to assign briefly, a few of the reasons which induced me to withhold my assent from the bill which they have reported, and consequently recommended to this house.

Each member of the committee has manifested a degree of zeal and patriotism, in the examination of the subjects to which the bill gave rise, highly honorable, and the profound thanks of the country are justly due them, for their efforts to settle and adjust a question which was shaking the State to its centre, and swallowing up all other questions which were demanding the consideration of this General Assembly. But while I give to the majority of the committee all due credit for their honesty of purpose, and the sincerity of their convictions as to the justice and policy of the bill recommended by them, I cannot, however, give to that bill or any of its leading provisions, the sanction of my approbation. It is a bill which will doubtless be highly acceptable to the Trustees of the bank, and perhaps to the stockholders; but, my life on it, the people of the State, upon whom that institution has brought so much calamity, evil and distress, will hesitate long to give to the present bill a cordial welcome, or say, after they shall have read it, that all is right.

I have not forgotten, (nor have the members of this house), that but a few days ago we solemnly decided, by a triumphant vote, that the Real Estate Bank *was a public corporation!* The gentlemen who compose this committee, were foremost in asserting the affirmative of the proposition, and likewise voted that it was a *public* and not a private corporation. It is now understood and conceded by all, that the Legislature has the right to alter, modify, or repeal the charter, at will. That there are good causes for the exercise of this right, no one will deny; for the report of the Real Estate Bank committee shows numerous acts of the bank, which amount to a forfeiture of its charter. That the stockholders have forfeited their franchises, no one at all conversant with the history of the bank, would for a moment deny or question. If they have forfeited their franchises, have they not likewise forfeited all right to a participation in the settlement of the affairs of the bank? Reason and justice and common sense, invoke us to exclude the trustees and stockholders from any share or agency in winding up the bank. They have no right to have any thing to do with closing the business of that broken institution. *They* brought it to its present hopeless condition; *their* own chosen pilots stranded it, for they were unskilful; *it was their fault* that it was turned out of the smooth sea into which it was launched, and set to sail by the State; *it was their fault* that their bark has been torn and broken and shattered by the whirlwind and the billow; *it was their fault* that so many disasters to the people have followed in the train of their illegal and startling acts, by reason of which, the shadows of deep and wide-spread ruin have settled like the wing of death over our State, which boasted once of its prosperity. After having involved us, as those corporations have, is it wise or expedient in us to call upon them to do that which disinterested men alone should be delegated to do? Have they not shown themselves incapable of managing the bank? Was ever a country so beset with imposture financiers, as Arkansas? Have we not seen, and do we not now feel, that this is the truth, the whole truth, and nothing but the truth? In the name of the people of the State, I call upon this Legislature to forbear! Do not, I pray you, pass any bill, which does not give the balance of power to the State. What respect or courtesy was shown to the State by the central board, at the time it made an assignment of the effects of the bank to themselves? Did that board ask the State to assent to the deed of assignment, and was that deed not made in the hope that it might perhaps screen their dark deeds, and keep them from being brought to light, and viewed in all their hideous deformity? For my part, I entertain no doubt of it. And again, what favor, or even mercy, was shown by the bank, to the hardworking and industrious (though poor) classes of the community, when it was in the full tide of successful operation? Did it not lavish all its favors and all its means on a few favorites, and such others as were fortunate enough to enjoy the confidence of the directory? Has that bank not been guilty of the unholy work of degrading one class and elevating another? Has its whole aim not been to promote and forward the views of the speculator, the sinecurist, and the unconscientious gentry, who loaned it their influence and fought its battles, when it was arrayed against the people? It has: and for these things I can never forgive it, and while it is in our power, it is our duty to deal with it as it deserves, and take care that the people are justly dealt by.

The people look for it at our hands, and we should not desert them, because we can settle this bank question to the satisfaction, as some would say, of *all parties*. For my part, I know but one party now, and the *people* constitute it. The trustees and stockholders I do not recognize, for their own acts forbid my doing it. They have forfeited their franchises—their charter is gone, and they alone are to blame, not the people or the Legislature. The people must now be protected. They have borne long and patiently the evils which beset them, but it will never be so again, and let no one expect it. Nor will they tolerate or submit to a useless bartering away of their rights, by placing them again under the care and protection of those tutelary gods, who seem to linger amid the wrecks of the Real Estate Bank.

I am not unwilling to let the stockholders have a voice in the future management of the affairs of the bank, but *I am unwilling* that they should have the choosing of more trustees or agents than the State. It is argued by some, that the stockholders have much at stake, and in protecting themselves, will of course protect the State. This is false reasoning. Have they a greater or more sacred interest now than heretofore? The answer is no. Then, I inquire, how have they protected the interests of the State heretofore? Are repeated acts in contravention of the charter, protection of the interests of the State? Did they furnish the people a sound currency, as they undertook to do? Let the past and present value of Real Estate Bank money tell the tale! Have they paid the bonus due for last year, and the interest upon the bonds sold by the State for their benefit? Ask the Treasurer of this State, and the bond holders, and they will tell you how the interest and character of Arkansas have been guarded by the bank, and how carefully the honor and credit of the State have been looked to and kept from stain and blemish! All these things come up in judgment against the stockholders and trustees—they stand forth in bold and appalling characters, and if we render such a verdict in the premises as is warranted by the facts, most fearful and withering would be the judgment. But I am for nothing that is not called for by the exigencies of the case. I oppose crude, rash, inconsiderate, or impolitic legislation, for its legitimate offsprings are trouble, litigation, and calamity. I do, however, contend that the rights of the people are paramount to the interests of the bank. The State has as much and more at stake than the stockholders. Then why give them *ten* trustees and the State only *five?* If the State has not an equal number of trustees with the stockholders, it would as well have none at all; for the stockholders having a majority, would of course at all times have things their own way, and manage and direct matters as they please, while the representatives of the State could do nothing for the want of numbers! This will be the inevitable consequence, if you pass the bill in its present shape, which I am slow to believe will be done. All the bank wants is the preponderance—give it this, and it will matter but little whether it loses or retains its charter, so it has numbers and power; for it then can accomplish, through its trustees, all the purposes and ends which it could have done through its local or central board. It is to be hoped this General Assembly will seriously reflect upon the impolicy of yielding so much to this disjointed and lifeless corporation; it has no right under heaven to appoint even *one* trustee, much less *ten;* for I have never, in all my reading, met with a case, where a bank, after having forfeited its charter, was wound up and settled by persons interested in it, those whose wanton acts had robbed the corporators of their franchises. If any one will refer me to such a case, I will thank him much, and feel myself obliged.

I am willing that there should be fifteen trustees, but I contend that the State should have the appointing of eight, and the stockholders seven. Is there any thing unfair in this? If it is the desire of all parties to deal fairly, and to use their efforts to promote the public good, could any one hesitate to embrace this proposition? It surely is fair and just that the State should have *eight* out of the fifteen trustees. We are willing, by way of conciliation and concession, to give the stockholders seven, and in doing so, we give them *seven* more than either law or their own good deeds entitle them to. I will dismiss this subject for ever.

In conclusion, I will take occasion to remark, that the time, mode, and manner of winding up the bank, are, perhaps, well enough, but it becomes us to have an eye single as to the persons who are to do it. If we take care of the State, we will have nobly and faithfully performed our duty as public servants, and our constituents will reward us for fulfilling so punctually our mission to this place. I trust the bill will be amended in accordance with the foregoing suggestions.

JOHN FIELD.

MESSAGE OF THE GOVERNOR,

CONCERNING THE TITLE TO CERTAIN LANDS IN CONWAY COUNTY.

EXECUTIVE DEPARTMENT,
Little Rock, Nov. 1842.

Gentlemen of the Senate,
and House of Representatives:

Under the provisions of the act of Congress, approved the 2d March, 1827, Gen. Elias Rector, the Agent of the then Territory, selected, as a portion of the seventy-two sections granted to the State, (then Territory,) sections No. 21 and 22, in township 6 north, range 17 west, in Conway county, which selections, with others, were confirmed to the State, by the Secretary of the Treasury, on the 24th January, 1838. Subsequent to the confirmation, however, the above described land was offered for sale, and was purchased by sundry individuals, and among others, Emzy Wilson, who sets up a claim to the E. ½ S. E. qr. section 21, and the E. ½ S. W. qr. section 21; Mr. Thomas S. Haynes claims the N. E. qr. of section 21; and Tho's O. Jones to the S. W. qr. section 22; and Wm. H. Robinson to the S. E. qr. section 22. This error either originates at the Department at Washington, or the Land-office here; the mistake, however, could not affect the interest of the State, as the land had already been confirmed to the State, previous to the sale, and it has been so decided by the Commissioner of the General Land-office, as will be seen by his letter to me, of the 5th of August, 1841, and his letter to Major Graham, on the same subject, dated the 3d of August, 1842, herewith enclosed, marked A. and B.

As the Commissioner of the General Land-office seems disposed, from the tenor of his letter to Major Graham, to allow the exchange, and permit the State to locate other lands in lieu of those which are claimed by Messrs. Wilson and others, if it can be done without loss to the State, I submit it to the consideration of the Legislature, whether equity and justice does not require the surrender of her claim, and the selection of other lands.

All of which is respectfully submitted.

A. YELL.

General Land-Office,
August 5th, 1841.

Sir—On the 29th January, 1838, you were advised by letter, to which I respectfully refer, of the approval, by the Secretary of the Treasury, on the 24th of that month, of the selection of a number of tracts of land in Arkansas, for a seminary of learning, a list of which was at the same time transmitted to you.

On comparing a copy of this list with the tract-books of this office, recently, it has been ascertained that certain entries, erroneously supposed to have been made in sections 21 and 22, T. 6 N., R. 17 W., were made in the corresponding sections in T. 6 S., R. 17 W., and that no portion of those sections in 6 N. 17 W. had been sold on the 23d June, 1836. In lieu of the parts of those sections named in that list, you will consider the N. ½ and S. W. ¼ of section 21, and the entire section 22, as the tracts embraced by the terms of the Secretary's approval.

The S. E. quarter of section 21 has been entered by a pre-emptor, under the law of 1834: his claim being prior to that of the State, was considered valid.

It has also been discovered, since the date of the aforesaid letter, that the W. half of the S. E. quarter of 19 N. 2 E. was sold, subsequent to the 23d June, 1836, and consequently was embraced in the Secretary's approval, and should have been in the list as one of the tracts granted to the State.

For your ready reference, I now enclose you a list of all the lands selected for the Seminary, which have been approved of by the Secretary of the Treasury, with the corrections here referred to.

I have the honor to be, sir,
with great respect, your ob't serv't,
E. M. HUNTINGDON, *Commissioner.*

His Excellency A. Yell,
Governor of the State of Arkansas.

General Land-Office,
August 3*d*, 1842.

Sir—In reply to your communications respecting certain entries in sections 21 and 22, in Township 6 N., of Range 17 W., the purchase money of which the Land-officers at Little Rock were directed to refund, on the 5th August, 1841, for the reason that the lands were previously selected for a seminary of learning, by the State of Arkansas, and approved as such by the Secretary of the Treasury, I have to state, that a number of tracts, including these two sections, were selected for this object as far back as 1831, and reported to the Treasury department, by the then Governor of the Territory, on the 5th of February in that year, although this office does not appear to be aware of the circumstance for some years afterwards, and, in consequence, sales to considerable extent were permitted therein. The Land-officers in that State were, on the 1st of August, 1836, notified from this office, for the first time, of these selections, and requested, if not already done, to make such entries on their books and plats, as would protect them from future entry.

The attention of the Secretary of the Treasury was subsequently called to their situation; and, after an examination of the several acts of Congress having a bearing on the subject, he says, on the 15th January, 1838: "I should be disposed to authorize the selection of tracts of less quantity than an entire section, corresponding with the legal subdivisions in all cases where the aggregate constituted a contiguous quantity of 640 acres and upwards, and reject such detached locations as fell short of that quantity."

But if there were any doubts as to the soundness of this construction, there can be none as to the legal effect of the act of 23d June, 1836. According to the provisions of the fifth proposition of that act, the locations which have been made are expressly confirmed, and the title thereto vested in the State. So thinking, I should not feel myself at liberty to withhold the sanction of the Department to any of the locations heretofore made, provided the lands remained unsold at the date of the act.

In conformity with this decision, the selections were submitted to the Secretary, and were approved by him, on the 24th January, 1838, with the exception of such portion of them as were sold prior to the 23d June, 1836.

A list of the tracts actually embraced by the terms of the approval, was then prepared, by throwing out those sold prior to the 23d June, 1836, leaving in it those only which were unsold. In this list, the N. W. quarter and W. half of S. W. quarter of section 21, and S. half of S. W. quarter and E. half of N. W. quarter of section 22, were inserted as the approved tracts, the remaining portion of these sections being then supposed to have been sold prior to the 23d June, 1836. Subsequently, it was ascertained that the sales, except the S. E. quarter of section 21, were made in the corresponding sections of the township and range south of the base line, and of course did not conflict with the Governor's selections. When this fact was ascertained, the Governor of Arkansas and the Land-officers were advised accordingly, and requested to correct their lists, by substituting the N. half and S. W. quarter of section 21, and the entire section 22, for the parts of those sections above named, which were reported to them as the approved selections, on the 29th January, 1838.

The entry of the S. E. quarter of section 21, although made subsequent to the 23d June, 1836, they were at the same time advised, would be respected, as it was made by a pre-emptor, under the act of 1834, who could not prove up his claim at an earlier period, for the want of township plats.

From the foregoing it will be seen that the N. half and S. W.

quarter of section 21, and the entire section 22, in T. 6 N., of R. 17 W., are considered by the Department as confirmed to the State of Arkansas, by the provisions of the act of the 23d June, 1836, and that, in consequence thereof, no entry made in them subsequent to that date, which is the case with those referred to by you, can be recognized by this office. In view, however, of the circumstances under which these entries were made, I will, provided the Governor of the State shall give his assent thereto, recommend to the Secretary of the Treasury that other lands may be selected for a seminary of learning, in lieu of the one and three quarter sections here named.

Very respectfully, sir,
your ob't servant,
THO'S H. BLAKE.

J. E. Graham, Esq.

To the Honorable the Legislature of the State of Arkansas:

We, your memorialists, of the county of Jackson, beg leave to state, that on the 7th July, 1836, they entered, in the Land-office at Batesville, the east half of the north-west quarter, and the west half of the north-east quarter, of section twenty-two, in township twelve north, of range three west, containing one hundred and sixty acres, in Jackson county, in the State of Arkansas, and paid the money into office: that they sold the same to Alexander Robinson, who, in faith of said purchase from the Government, has made valuable and lasting improvements on the same, and resides thereon. If he loses the lands, improvements, and his home, he will be impoverished and nearly ruined. They state that said lands were confirmed to the State of Arkansas, about January, 1838, as seminary lands, the same being located as such. They pray your honorable body to pass a law, by which said improvements will be paid for, or other lands located as seminary lands in lieu thereof. And as there are other claims in like situation, they would suggest the propriety of a general provision on the subject, and, if necessary, a memorial to Congress. And, as in duty bound, they will pray.

WM. ROBINSON,
JOHN ROBINSON,
ALEX'R ROBINSON.

The select committee to whom was referred the Governor's message relative to entries of lands by Emzy Wilson and others, confirmed to the State as seminary lands; and also, to whom was referred the petition of William Robinson, John Robinson, and Alexander Robinson, relative to an entry by the said William and John of lands also confirmed to the State as seminary lands, submit to the House the following report:

From an official document, emanating from the General Land-office, now in possession of your committee, and referred to them with the Governor's message, it appears that some of the seventy-two sections, commonly called the seminary lands, were selected prior to the year eighteen hundred and thirty-one, and on the fifth of February of that year, the Governor of the Territory (now State) of Arkansas, reported to the General Land-office such selections as had then been made. It further appears, from the same document, that although the report of said selections was made as aforesaid, on the fifth of February, eighteen hundred and thirty-one, the General Land-office did not appear to have been aware of the circumstance for many years afterwards, and, as a consequence, as appears from the same document, sales to a considerable extent, to private individuals, were permitted by the General Government, of those very lands so selected for the purpose aforesaid. Neither the district land-officers who permitted, nor the individuals who made entries of those lands, were advised at the time that they had previously been selected as seminary lands.

The General Land-office, therefore, in order to avert as much as possible the great injury which its neglect of duty was about to inflict on a considerable portion of the hard-working cultivators of the soil of this State, who had in good faith purchased said lands, ratified all of said purchases so made prior to the twenty-third day of June, eighteen hundred and thirty-six, the date of an act of Congress known as the compact between this State and the United States, and allowed other lands to be selected as seminary lands, in lieu thereof; and alleging that all entries subsequent to the twenty-third day of June, eighteen hundred and thirty-six, of lands covered by such selections, could not be ratified, as the title to such lands had, by the said compact, passed to the State.

Of the latter class of entries, that is to say, those which were not ratified by the General Government, are the cases referred to the consideration of your committee, of Emzy Wilson, William H. Robinson, Thomas O. Jones, Thomas S. Haynes, and Thomas Shanklin, of Conway county, as well as of William Robinson and John Robinson, of Jackson county. Those individuals happened to make their purchases subsequent to the twenty-third day of June, eighteen hundred and thirty-six, and, by the construction placed on the fifth proposition of said compact by the Commissioner of the General Land-office, they are excluded from that remedy at the hands of the General Government, which he had granted to others who had made similar purchases. In order, therefore, to have relief in the premises meted out to them, they have been under the necessity of appealing to this General Assembly; and your committee, who have thoroughly examined this subject, believe they are fully entitled to it, and that it would be sound policy to grant it.

At the time they made those entries, those persons, as well as the district land-officers, had no knowledge whatever that the lands they were entering had been previously selected for seminary lands. The General Land-office had not advised the district land-offices of the fact, nor could it have done so in time to prevent those persons from making the entries they did, as the Commissioner acknowledges that the report of the Governor of the then Territory (now State) of Arkansas to the General Land-office, of the seminary selections, got to the General Land-office, and there remained for many years, without any one in his office having a knowledge of its existence. It was probably received and filed by some clerk, who either had forgotten the circumstance, or was afterwards removed from office, and, as a consequence, was not there to tell where he had put it.

Those persons purchased those lands in good faith, received the certificates of the proper officers of the General Government, that they should receive patents from the United States for the lands so purchased; and, on the faith of such contracts, they took possession of the lands they had purchased, which they found, as other wild lands, in a state of nature; but, by much expenditure on their part, of money as well as labor, they have made thereon valuable and lasting improvements, and thereby greatly enhanced not only their comparative value, but also the value of the adjacent lands. Those persons have been residing on and cultivating those lands for some years, up to this period. They are working-men—they are cultivators of the soil—they are farmers, who are emphatically the bone and sinew of our State, by whom all other classes are fed, sustained, and supported. And are those men now to be ousted of the lands they have so purchased, and exiled from the valuable improvements they have made thereon, by a vote of this Legislature, without any remuneration whatever? The friendship of this House for the cultivators of the soil, so signally exemplified in a recent instance, forbids such an idea! Your committee believe that the same spirit still pervades in this hall. Acting under that belief, and being fully impressed with the propriety, the justness, and the equity of the relief they intend proposing for the benefit as well of those persons whose cases are under consideration, as of a few others similarly situated, they beg leave to report the accompanying bill.

P. T. CRUTCHFIELD.

REPORT

OF THE COMMITTEE ON THE MEMORIAL OF WILLIAM WYNN.

EXECUTIVE DEPARTMENT,
Little Rock, Nov. 10th, 1842.

Gentlemen of the Senate
and House of Representatives:

From the enclosed letter marked (A), to Charles E. Moore, one of the locating agents for the State, it will be seen that I made a proposition to the claimants south of Red River, to enter their lands, (such as were excluded under my letter of instructions, and that of the Commissioner of the General Land Office, which is herewith enclosed, marked B & C,) upon such terms as the Legislature would, in their opinion, be just and proper.

Relying upon the liberality and justice of the Legislature, Messrs. M. Wright, Col. Wynn, and Hamilton, and a few others, permitted the agent to select their improvements and claims, to the amount of some 10,000 acres or more.

The larger portion of the land which they permitted to be located by the State, is improved or claimed, and on which there are valuable and lasting improvements.

I cannot doubt for a moment, that the Legislature will hesitate to carry out the spirit of the proposition to which they have acceded, and allow them, and all others who are similarly situated, to enter their lands on fair and reasonable terms.

It will afford me pleasure to communicate any information on that subject in possession of this department, at any time when desired.

A. YELL.

On motion of Mr. Counts, referred to a select committee, consisting of Messrs. Counts, Baines, Miller, Marks, and Peeler.

To the Honorable the Senate and House of Representatives of the Legislature of the State of Arkansas, now in session:

The petition of Josiah Garland respectfully shows, that he became the purchaser of two improvements on the south side of Red River, in Lafayette county, in the year 1833, from Andrew Hemphill and

Samuel Hemphill, for which he agreed to pay, and has paid, near two thousand dollars, and took possession of the said improvements and contiguous lands under said purchase, in January, 1834; since which time, he has continued to hold and cultivate the same up to the present period. At the time of making the purchase, and for several years thereafter, the country on the south side of Red River was not surveyed, but the said improvements, with the adjoining lands, understood and conceded to be embraced in the two tracts situated in a bend of the river, and necessary for timber, &c., amounting to about one thousand acres. Subsequently the country, including said improvements, was surveyed, and they are ascertained to be on the south west and south east quarters of section seventeen in township sixteen south of range 25 west. His dwelling house is on the north west quarter, and a portion of his plantation on the north east quarter of the same section. The bend of the river referred to and understood to be embraced in his purchase, lies north of his plantation and dwelling, and although in the main, swampy, wet land, subject to inundation, is indispensably necessary to supply timber, as his plantation is entirely prairie. A diagram marked A of the land and section including his improvements, is herewith submitted, and made part of this petition.

Your petitioner further represents that, as he is informed and believes, the whole bend north of his plantation aforesaid, has been located as a part of five hundred thousand acres of land, granted to to said State, under the provisions of an act of Congress passed in the year 1841, for the distribution of the proceeds of the sales of the public lands, and a contract entered into for the sale thereof, to William Wynn, of Lafayette county, Arkansas, subject to the sanction and confirmation of your honorable body. That, situated as your petitioner is, he would be seriously injured, if not ruined, by a confirmation of the sale to Wynn as aforesaid, as it would produce the necessity of crossing Red River for miles, for supplies of timber for his plantion, traveling over eight or nine miles of contiguous lands owned by said Wynn, or buying from him, at such price as he might choose to impose. To avoid the manifest injustice of placing petitioner in this predicament, after possession and cultivation of his lands for eight years and upwards, taking into consideration, too, the large quantity of land for which the said Wynn has contracted beyond what he can by possibility render productive to himself or the country, within any reasonable time, as will be seen from the accompanying schedules, marked B & C, he asks respectfully that the sales, so far as the lands included in the bend aforesaid are concerned, may not be confirmed to the said Wynn; and that petitioner be allowed to purchase the same at such price as may be considered just and fair by your honorable body. To accord to him this privilege will but comport, as he conceives, with the principles of justice, and that policy, the importance of which all must admit, of encouraging the settlement and cultivation of wild lands. Relying confidently upon the wisdom and justice of your honorable body, your petitioner doubts not but that you will grant him such relief as may be deemed appropriate, and within the scope of your power. And, as in duty bound, he will ever pray, &c.

J. GARLAND.

A.

[MEM. FOR MR. MOORE.]

2nd April, 1842.

Sir—As I shall be under the necessity to make all the selections that I possibly can (so as not to interfere with the claims of individuals on Red River, it will be greatly to the advantage no doubt of the planters there, to purchase a portion of the 500,000 acres, and locate their improvements, and such other lands as they may desire.

In the event they should be disposed to do so, you are at liberty to say to them that I will secure them land on reasonable terms, such as we can agree on, subject to the confirmation of the Legislature.

Under the act of Congress, I am not authorized to sell. I will take the responsibility, however, to contract with them in such a way as they cannot be the losers, if the Legislature should refuse to confirm the conditional sale; as I shall have the locating, and if the trade is not confirmed, then the locations to be void, and they can still hold their claims. I shall only require on their part, bond and sufficient security for the purchase money, at from one, to say, three years, for payment, and no money or obligation to be given, until the contract is confirmed.

Any cantract which I might make on such conditions, at a fair and reasonable price for both the State and the purchasers, will no doubt be confirmed, and I pledge myself that the contract shall be so drawn that they will not be losers, if not confirmed.

Let me hear from you, and if necessary I will go to Washington, and see such as wish to secure their plantations.

Yours, &c.,

A. YELL.

Executive Department,
Little Rock, 15*th April*, 1842.

Dear Sir—This will inform you of your appointment as locating agent for a portion of the 500,000 acres, &c.

Your district will for the present be on Red River, all that portion south of the river, in Lafayette county.

Your operations will be governed very much by the determination of the planters in that quarter to purchase of the State.

If they decline to purchase, then you will secure all the land you can, so as to keep within the spirit of the instructions, which are herewith enclosed you.

Keep vouchers for all contingent expenses, and a memorandum of your own expenses. Write me as often as the public service will require, &c., and if necessary you can draw on me for $100, for contingent expenses, forwarding your receipt for the same.

With respect, yours,
A. YELL.

CHARLES E. MOORE, *present.*

EXECUTIVE DEPARTMENT,
Little Rock, 23*d May*, 1842.

GENTLEMEN—Since my letter of instructions of the 13th of April, I have received the above communication from the Commissioner of the General Land Office, directed to the Registers of the several land offices in the State of Arkansas, from which you will learn that the agents can make their selections, and report them direct to the Register of the district in which the lands are situated. You will not fail, however, to forward to this department, a copy of your selections, as required by my former instructions of the 13th April. In future, you will not be governed by the quantity of 10,000 acres, as heretofore directed, but make your report every two weeks. Where the selections come in conflict with the rights of claimants, you will endeavor to reconcile the claim with the Commissioner's letters, and my instructions, and report accordingly.

You will not fail to note in your selections the particular day when the lands are selected, as that time may be important in settling conflicting claims. You will not vary from my former instructions, except when they come in conflict with the letter of the Commissioner, as to the manner of noting selections, which you will strictly observe.

The plats with the field notes and selections, will be reported to this department every two weeks.

I am, with great respect,
your ob't serv't,
A. YELL.

Messrs. Chas. E. Moore, Jno. N. Conway, Henry Conway, Jno. Clark, Jno. S. Ficklin, David McClellan, Davis Thompson, and E. H. Fletcher, Locating Agents.

B.

EXECUTIVE DEPARTMENT,
Little Rock, *April* 13*th*, 1842.

SIR—The following section of the act of Congress, in connection with previous pre-emption laws and reservations, will govern you in the selection of a portion of the 500,000 acres of land donated to the State of Arkansas, for Internal Improvement:

"SEC. 8. *And be it further enacted,* That there shall be granted to each State specified in the first section of this act, five hundred thousand acres of land, for purposes of internal improvement: *Provided*, that to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid, make five hundred thousand acres, the selections in all of the said States, to be made within their limits respectively in such manner as the Legislature thereof shall direct: and located in parcels conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States, which said locations may be made at any time after the lands of the United States in said States respectively, have been surveyed according to existing laws."

From the foregoing, you will be enabled readily to determine, in most cases, what lands are exempt from location, and what improvements and claims are embraced within the provisions of the act.

And in all doubtful cases, to decide in favor of the claimant; but when made, notice, in your return, the nature of the claims.

You will use all reasonable and proper means to inform yourself where the best selections can be made in the section of country where you are operating; and, in every instance, to make *personal* examination of the land selected.

Distinguish, in your field notes, the quality of the land—whether first or second quality, its general advantages, water courses, &c., and such other remarks as you may think necessary.

And whenever you reach the quantity of 10,000 acres, report to me, by the first mails.

You will make no selections which you do not consider first-rate, or very good second-rate land.

You will designate on the township plats, (which I enclose you), independent of your field notes, as accurately as you can, the rivers, lakes, swamps, springs, &c., which may embrace your selections.

The land to be selected in parcels not less than 320 acres, conformably to sectional divisions and subdivisions. Thus, the north, south, east, or west half of a section, may be taken; or two quarter sections contiguous, in adjoining sections; or the west half of the north-east quarter, the east half of the north-west quarter, and the contiguous numbers in the same sections or adjoining section, so that the 320 acres adjoin.

Be very careful, in taking your numbers, that no error is committed; and report none where you have a reasonable doubt.

Make your field notes in a fair and legible hand, sufficiently full to describe the general character of the land selected, which you will seal up with the plats, and forward to me, as before directed.

You will not fail to take with you a compass and chain, to be used when necessary, and to keep vouchers for all contingent expenses for location which may be indispensable, not to exceed the amount of funds furnished you, and to keep an account of all your own expenses, and time employed in locating, &c.

And for your compensation, you must rely upon the liberality of the Legislature, to whom your claims will be submitted.

A. YELL.

C.

[CIRCULAR TO REGISTERS OF UNITED STATES' LAND OFFICES.]

General Land Office,
May 2, 1842.

Sir—Under the provisions of the 8th section of the act approved on the 4th September, 1841, entitled "An Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," the State of Arkansas is entitled to select the quantity of five hundred thousand acres of unappropriated public land, granted to that State by the aforesaid act for purposes of internal improvement.

In order to effect the due execution of the law, I have, with the approbation of the Secretary of the Treasury, to enjoin on you the rigid observance of the following instructions:

In making these selections, it is expected that the State authorities will observe the precaution of causing all the preliminary examinations to be made, by their duly authorized agents, necessary to arrive at certainty as to the fact that none of the particular tracts of land selected by them are or can be claimed as pre-emption rights in virtue of the act aforesaid, or of any prior pre-emption law, otherwise such interference will *nullify* the selections.

In case the selecting agents should be remiss in making such indispensable preliminary examinations, much subsequent embarrassment and delay must result in adjusting the claim of the State.

It is hoped, however, that the State authorities will make it a duty absolutely indispensable on the selecting agents to visit *in person* every tract of land desired to be selected, and thereby ascertain, beyond doubt, whether or not a pre-emption claim can be alleged to the same, and regulate their proceedings accordingly.

From time to time, as the selecting agents shall make reports to you of the lands selected, it will be your duty to note the same in a distinct and neat manner on the *tract books* and *maps*, in red ink; and also to make a record book, suitably arranged into columns, wherein you are to register all the lists that may be filed in your office, and transmit a copy of each to this office, from time to time, as you receive them.

These lists are to be numbered in a regular series. So soon as a list of tracts so selected is received at your office, it will be your duty to examine the same, and compare it with your books and with the "declaratory statements," filed under the Act of 4th September, 1841, and in case of conflict arising with an alleged pre-emption claim, you will immediately advise the Governor of the State of the fact, and furnish similar advice to this office.

The law provides that the locations shall be made "in parcels conformably to sectional disvisions and subdivisions of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States; which said locations may be made at any time after the lands of the United States in said States respectively shall have been surveyed according to existing laws."

Each of the selections made by the locating agent should indicate the day when actually made, so as to enable this office to determine between such selection and a pre-emption claim under Act of 4th September, 1841, which shall refer to the date of settlement.

Each parcel may be formed in any of the following modes:—

The east, west, north, or south half of a section;

Two *contiguous* quarters of different sections;

Four *contiguous half quarters* of different sections.

The half quarters are to be those designated as *east* or *west* half quarters, as contemplated by the general law making provision for the sale of the public lands, passed on 24th April, 1820, admitting of the subdivision of quarter sections only by a line running *north* and *south*.

(The mode of subdivision into *quarter-quarters* of a section is not applicable to the Act of 4th September, 1841, inasmuch as it is warranted by the act of 5th of April, 1832, only in reference to the peculiar kind of cases referred to in the latter act.)

A detached fractional section containing three hundred and twenty acres, or a greater quantity, can be located; but when a fractional section contains *less* than three hunnred and twenty acres, it can only be taken in *lieu* of that quantity, unless it be contiguous to some other body of selections, which, with such fractional section, shall constitute not less than three hundred and twenty acres.

Any number of contiguous subdivisions of a fractional section, together constituting the quantity of three hundred and twenty acres according to the Surveyor General's plat, may be selected.

An island containing three hundred and twenty acres, or upwards, may be taken; but if the island contains less than three hundred and twenty acres, it can only be taken in lieu of that quantity.

Annexed is a copy of a communication addressed to the Secretary of the Treasury, on 2d December last, in reply to certain inquiries propounded by the Governor of Arkansas relative to the construction of the 8th section of the Act of 4th September, 1841, and also a copy of the aforesaid section, and a copy of the Act approved 19th March, 1842, entitled "An Act to authorize the Governors of the States of Illinois, Arkansas, and Missouri, to cause to be selected the lands therein mentoined."

I am, very respectfully, your obedient servant,

E. M. HUNTINGTON, *Commissioner.*

The Register of the Land Office.

General Land-Office,
December 2, 1841.

Sir—I have examined the question raised in the letter of Governor Yell, of Arkansas, addressed to you under date of 3d November, and referred to this office, in relation to the construction of the 9th (I presume he means the 8th,) section of the Distribution Act, authorizing the location of 500,000 acres of land by the Legislatures of the respective States mentioned in the 1st section of the Act. As the grant to the States is not one *in præsenti*, but dependent upon the subsequent action of the Legislatures of the respective States; and inasmuch, also, as the 10th section of the same Act grants to certain persons therein named, the right to enter, not exceeding one hundred and sixty acres, the land settled upon and improved by them, I am of opinion that the States have no right to select any land to which a valid pre-emption right exists, under any of the existing laws of Congress, *at the time of such selection by the State*, nor to any land which at the date of the law *was*, or which, prior to such selection by the State, *may be* reserved by any subsequent law of Congress, or proclamation of the President of the United States. Such selections also must of course be confined to lands which at the time of selection "have been surveyed according to existing laws." The particular ground of doubt in the construction of the section referred to, is not disclosed in the letter of Governor Yell; but I presume that the opinion I have expressed will embrace the question intended to be raised.

I am, with great respect, your ob't serv't,
E. M. HUNTINGDON, *Commissioner.*

Hon. W. Forward,
Secretary of the Treasury.

P. S. The letter of Governor Yell is herewith returned.

Sec. 8. *And be it further enacted*, That there shall be granted to each State specified in the first section of this act, five hundred thousand acres of land, for purposes of internal improvement: *Provided*, That to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid, make five hundred thousand acres; the selections in all of the said States to be made within their limits respectively, in such manner as the Legislatures thereof shall direct, and located in parcels, conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress, or proclamation of the President of the United States; which said locations may be made at any time after the lands of the United States in said States, respectively, shall have [been] surveyed according to existing laws. And there shall be, and hereby is, granted to each new State that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission, and while under a Territorial government, for purposes of internal improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid.

An act to authorize the Governors of the States of Illinois, Arkansas, and Missouri, to cause to be selected the lands therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the 8th section of the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emptions," approved September four, one thousand eight hundred and forty-one, as provides that the selections of the grants of land made to the several States therein mentioned, for the purposes of internal improvement, shall be made, respectively, in such manner as the Legislatures thereof shall direct, is so far modified as to authorize the Governors of the States of Illinois, Arkansas, and Missouri, to cause the selections to be made for those States, without the necessity of convening the Legislatures thereof for that purpose.

Approved, March 19, 1842.

The select committee to whom was referred the special message of his Excellency, relative to the lands claimed by Wm. Wynn and others, which have been located by the State, have had the same under consideration, and have instructed me to report, that it is deemed inexpedient by your committee to recommend the raising of locations made by the locating agents appointed by the Governor, to select lands for the State, under the acts of Congress of September, 1841, and March, 1842.

It appears, from the message and other documents transmitted to this House by his Excellency, that the agent appointed by him to select and locate lands, located some lands upon which William Wynn, Morehead Wright, Robert Hamilton, and others, had made some improvements. Those locations were made by the locating agent, we apprehend, at the instance and request of those gentlemen, under the belief that they would be permitted to purchase the lands on as cheap and easy terms from the State as from the General Government. We are not informed as to the value or quality of these particular lands, but we have concluded that it would be inexpedient and impolitic for the Legislature to change any locations made by the agent, unless a valid right of pre-emption can be clearly shown, in which event the Legislature of Arkansas would have no discretion.

There are conflicting claimants to these lands, one of whom has petitioned the Legislature for relief—we mean Josiah Garland, whose petition to this General Assembly has been before the committee, and duly considered. We are of opinion that it would be wrong to interfere with the claims of himself and Wynn and others, but leave them to adjust them as they best can. If an individual deems it to his interest to have his lands located by the State, he then must prepare himself to stand to and abide such terms as the Legislature may prescribe for the sale of the five hundred thousand acres of land. When a location is made at the *instance* and by *request* of the occupant of a tract of land, that instant the occupant loses all his right of pre-emption; for where there is a voluntary surrender of lands, the right of pre-emption goes along with that surrender, unless reserved to the claimant by legislative enactment.

In his petition, Josiah Garland states, that if the sale to Wynn should be confirmed, he will be seriously injured, if not ruined. There is no doubt that should Wynn be permitted to purchase some of the lands which are claimed by Garland, that he (Garland) would be seriously affected in consequence of it. Your committee would gladly adjust and put to rest the conflicting claims of the people, if practicable; but we find that an interference in these matters would probably be attended with more of evil than good. Injustice is often inflicted by crude and hasty legislation; and being desirous of avoiding this, we have therefore declined recommending any special legislation upon the subject.

We therefore say that we deem it inexpedient to interfere with the locotions made by the agent, nor do we recommend a confirmation of the sales made by his Excellency Governor Yell, where that confirmation or ratification would operate to the disadvantage of any one. We leave every man to get his lands as he best can from the State, and close by saying that we give neither preference nor pre-emption to any one.

All which is respectfully submitted, and the adoption of the following resolution is asked:

Resolved, That it is deemed inexpedient by this House to raise any locations made by the locating agent appointed by the Governor unless where a valid right of pre-emption can be clearly shown.

JNO. FIELD, *Chairman*
of Select Committee.